

(c) Petitions proving the claimant’s right to funds held pursuant to Section 744.534, F.S., must be filed within 5 years of the deposit of the funds with the Chief Financial Officer and informal notice must be given to the Department of Legal Affairs.

(2) If the court that directed the deposit of the funds with the Chief Financial Officer grants the petition, each claimant or claimant’s representative must file a Claim for Funds Deposited Pursuant to Sections 43.19, 732.107, 733.816 or 744.534, F.S., Form (DFS-A4-1988), effective _____, incorporated herein by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

(a) The claim form must be accompanied by a certified copy of the final order or judgment awarding the funds to each claimant, supporting documentation establishing each claimant’s right to the funds, and a government-issued photographic identification issued to each claimant.

(b) Payment for funds reported pursuant to Sections 43.19 and 744.534, F.S., will be made to the ultimate beneficiary, as provided by Section 215.965, F.S. Payment for funds reported pursuant to Sections 732.107 and 733.816, F.S., will be made to the ultimate beneficiary unless each claimant assigns the right to receive payment, pursuant to Section 732.107 or 733.816, F.S., and submits the original assignment simultaneously with the claim form.

Rulemaking Authority Art. IV, s. 4(c), Fla. Const., 17.14, 17.29, 17.65 FS. Law Implemented Art. IV, s. 4(c), Fla. Const., 17.05(1), 17.29, 43.19, 92.525, 215.965, 732.107, 733.816, 744.534 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Walter Graham, Chief, Bureau of Unclaimed Property
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

A portion of subparagraph (8)(e)4. was inadvertently omitted in the Notice of Proposed Rulemaking as published in the above stated issue of the Florida Administrative Weekly. This subparagraph should read as follows:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(8)(e)4. Performance in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Performance shall be calculated for the school by dividing the weighted number of grade 9-12 students with successful completions in accelerated coursework (numerator) by the count of all students in grades 9 through 12 who took an accelerated course or subject area examination during the academic year (denominator). For AP, IB, and AICE successful completion is defined as earning a passing score and being awarded credit for specific postsecondary course(s) as determined by the 2008 Articulation Coordinating Committee’s Credit by Exam Equivalencies list which is hereby incorporated by reference and may be obtained at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf>. For dual enrollment successful completion is defined as a passing grade of “C” or higher in a dual enrollment course for college academic credit. For industry certification successful completion is defined as passing an industry certification examination on the State Board of Education approved industry certification funding list. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. Those agreements can be accessed at http://www.fldoe.org/workforce/dwdframe/artic_frame.asp.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-70.002
RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

This is a Corrected Notice based on comments received from the Joint Administrative Procedures Committee. The Notice of Proposed Rule was prepared utilizing the incorrect version of the rule.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, part Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. ~~When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses.~~ Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) A four year college degree or graduate degree in the field for which approval is sought;

(b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant; ~~or~~

(c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer; ~~or~~

(d) For an accreditor application submitted to accredit only accessibility courses, demonstrated proficiency acceptable to the Commission as a subject matter expert in the field of accessibility.

(2) Revocation of approval as an accreditor.

(a) Any accreditor shall have his/her approval status revoked for any of the following reasons:

1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status;

2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation;

3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references;

4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting ~~own~~ courses;

~~5. Accrediting~~ courses in which the accreditor has a financial interest; ~~or and~~

~~5.6.~~ Failure of the accreditor to cooperate with a Commission ordered investigation.

(b) The Commission may ~~suspend~~ ~~revoke~~ the approval status of any accreditor based on any provision of paragraph (2)(a) of this rule subsection 9B-70.002, F.A.C., until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with the requirements of this rule.

(c) The Commission shall initiate an investigation based on a written complaint submitted by any substantially affected party and containing substantial material evidence of a violation of this rule ~~by any substantially affected party.~~

(d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, www.floridabuilding.org.

~~(3) Accreditor Review of Courses. Accreditors shall review courses submitted by providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Code in accordance with paragraph (4)(f) of this rule; or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets the following minimum criteria:~~

~~(a) Course Title/Number. The word "advanced" and, if appropriate, "internet" shall be in the title;~~

~~(b) Hours of Credit;~~

~~(c) Name, address, telephone number and e-mail address of the provider;~~

~~(d) Course Description completely describing what the particular course is designed to address;~~

~~(e) Course/Learning Objectives;~~

~~(f) Course Time allotments for course content;~~

~~(g) Course Outline/Instructional Methods — detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;~~

~~(h) Code edition to which the course relates;~~

~~(i) Course references cited in the outline;~~

~~(j) Method of Course Evaluations;~~

~~(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;~~

~~(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and~~

~~(m) Course materials provided to the student shall be provided to the Accreditor.~~

~~(4) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.~~

(3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Regulation who desire Commission approval and accreditation for advanced building code ~~Building Code~~ courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a), effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at [http://www.floridabuilding.org/BCISOld/ce/ce_pb\)cd.aspx](http://www.floridabuilding.org/BCISOld/ce/ce_pb)cd.aspx), and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with the expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, (d) the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation approval status ~~Accreditation Approval Status~~ on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System www.floridabuilding.org shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

(f) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at www.floridabuilding.org that the course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(4) Course Content and Accreditor Review. Accreditors shall review courses submitted by registered providers to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph (4)(f) of this rule or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets the following minimum criteria:

(a) Course title and number. The word "advanced" and, if appropriate, "internet" shall be in the title;

(b) Hours of credit;

(c) Name, address, telephone number and e-mail address of the provider;

(d) Course description completely describing what the particular course is designed to address;

(e) Course/learning objectives;

(f) Course time allotments for course content;

(g) Course outline and instructional methods – detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional

methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations and presentations;

(h) Code edition to which the course relates;

(i) Course references cited in the outline;

(j) Method of course evaluations;

(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;

(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and

(m) Course materials provided to the attendee shall be provided to the accreditor.

(5) Course Accreditation by the Florida Building Commission. Accredited courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code or Florida Statutes or rules related to the Florida Building Code.

(6)(g) The Commission shall audit a minimum of 2% of all accredited courses submitted for accreditation and of all courses submitted for reaccreditation. The courses selected for audit may not be those of only one provider or reviewed by only one accreditor. Any course courses submitted for accreditation or re-accreditation determined to not accurately reflect the current or adopted Florida Building Code edition Edition; or Florida Statutes or rules related to the Florida Building Code shall be reported to the Commission for further action denied. All approved advanced building code courses Advanced Building Code Courses must reflect the current or adopted Florida Building Code edition Edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and determined found by audit or any means to not accurately inaccurately reflect the current or adopted Florida Building Code edition Edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board or boards, and the provider will be required to file a new application for accreditation, if the course would comply.

(7) In the event the Commission identifies areas or topics of advanced building code education with an insufficient number of course available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are

available in the Commission’s budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

Rulemaking Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History–New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

RULE NOS:	RULE TITLES:
25-4.0185	Periodic Reports
25-4.066	Availability of Basic Local Telecommunications Service
25-4.070	Customer Trouble Reports for Basic Local Telecommunications Service
25-4.073	Answering Time for Basic Local Telecommunications Service
25-4.110	Customer Billing for Local Exchange Telecommunications Companies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 3, January 23, 2009 issue of the Florida Administrative Weekly.

Docket No. 080641-TP

The following changes have been made to the proposed rules:

25-4.0185 Periodic Reports.

(1) Each local exchange telecommunications company shall file with the Commission’s Division of Service, Safety and Consumer Assistance the information required by Commission Form PSC/SSC 28 (xx/xx), which is incorporated into this rule by reference. Form PSC/SSC, entitled “Engineering Data Requirements,” may be obtained from the Commission’s Division of Service, Safety and Consumer Assistance.

(2)(+) No change.

(3)(2) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to basic local telecommunications residential service only.

(4) Each local exchange telecommunications company shall begin recording basic local telecommunications service data for reporting on schedules 2, 3, 11 and 15 no later than January 1, 2010.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS. History–New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05,_____.

(hh) WATER USE PERMIT APPLICATION – MINING AND DEWATERING MATERIALS OTHER THAN PHOSPHATE, FORM NO. LEG-R.048.00 (8/09).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.101
 RULE TITLE: Content of Application
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 23, June 12, 2009 issue of the Florida Administrative Weekly.

- (1) No change.
- (2) The following District application forms shall be used to obtain a new Water Use Permit or to renew an existing Water Use Permit. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this Chapter. Forms are available upon request from the District’s website at www.watmatters.org or from District offices.

- (a) through (c) No change.
- (d) Mining and Dewatering Water Use Permit. Application for a new or renewal of an existing Water Use Permit for mining and dewatering uses other than phosphate mining shall be made using the Water Use Permit Application – Mining and Dewatering Materials Other Than Phosphate, Form No. LEG-R.048.00 032.04 (8/09). The application shall be categorized as an application for an Individual or General Water Use Permit based upon the combined annual average daily water demand as provided in subsection 40D-2.041(2), F.A.C. Application for a new or renewal of a Water Use Permit for phosphate mining shall be made using the Individual or General Water Use Permit application form and the Water Use Permit Application Supplemental Form – Mining or Dewatering, Form No. LEG-R.032.00 (3/09) incorporated herein by reference.

- (3) through (4) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-22.201
 RULE TITLES: Year-Round Water Conservation Measures
 40D-22.401 Enforcement
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 23, June 12, 2009 issue of the Florida Administrative Weekly.

- 40D-22.201 Year-Round Water Conservation Measures.
- (1) through (3)(a) No change.

(3)(b) Irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Irrigation systems may routinely be operated for such purposes no more than once per week, and the total run time for each zone shall ~~any one test should~~ not exceed 10 minutes during the test.

(c) Irrigation for the purpose of chemigation, fertigation or watering-in of applied fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, or by applicable best management practices shall not be restricted, with two exceptions when associated with a lawn or landscape. In the absence of specific alternative instructions from the manufacturer, such watering-in shall be limited to one application of one-quarter inches within 24 hours of the application; and, such watering-in shall be accomplished during allowable watering ~~hours~~ times unless a professional applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity and has also provided instructions listing the chemicals used and stating that the watering-in must occur immediately rather than during allowable watering hours.

- (d) through (f) No change.
- (g) New plant material shall only be irrigated as follows:

1. Any new plant material may be irrigated ~~on any day of the week as needed~~, for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period. From day 1 through day 30 of this establishment period, irrigation may occur on any day of the week. From day 31 through day 60 of this establishment period, irrigation is limited to one application on each of three specified days, except as otherwise provided herein. The three allowable days shall be as follows: Even Numbered Addresses may provide establishment period irrigation on Tuesday, Thursday and Sunday and Odd Numbered Addresses may provide establishment period irrigation on Monday, Wednesday and Saturday.

- 2. through 7. No change.
- (h) through (j) No change.

(4) Lawn and Landscape Use – The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the irrigation of lawns and landscape.

- (a) Except as otherwise specified in this Chapter, Even Numbered Addresses may accomplish necessary lawn and landscape irrigation on only Thursday ~~Tuesday~~ and/or Sunday ~~Saturday~~.
- (b) Except as otherwise specified in this Chapter, Odd Numbered Addresses ~~and rights of way or other locations without an Address~~ may accomplish necessary lawn and landscape irrigation on only Wednesday and/or Saturday ~~Sunday~~.

Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214 (American College of Cardiology/American Heart Association guidelines). Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule. All such licensed hospitals shall have a department, service or other similarly titled unit which shall be organized, directed and staffed, and integrated with other units and departments of the hospitals in a manner designed to assure the provision of quality patient care.

(a) Licensure.

1. A hospital seeking a license for an adult diagnostic cardiac catheterization laboratory services program shall submit an application on a form provided by the Agency, AHCA Form 3130-5003, ~~August 09~~ ~~May 09~~, License Application ~~Attestation~~ Adult Inpatient Diagnostic Cardiac Catheterization, incorporated herein by reference and available at http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/hospital.shtml#acs, signed by the chief executive officer of the hospital, ~~confirming~~ ~~attesting~~ ~~to~~ the hospital's intent and ability to comply with Section 408.0361(1), F.S.:

~~a. Comply with the most recent guidelines of the American College of Cardiology and American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories.~~

~~b. Perform only adult inpatient diagnostic cardiac catheterization services and not provide therapeutic cardiac catheterization or any other cardiology services.~~

~~c. Maintain sufficient appropriate equipment and health care personnel to ensure quality and safety.~~

~~d. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.~~

~~e. Demonstrate a plan to provide services to Medicaid and charity care patients.~~

2. Hospitals with adult diagnostic cardiac catheterization services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in Section 408.0361(1), F.S. ~~a. through e. above.~~ Failure to renew the hospital's license or failure to update the information in a. through e. above shall cause the license to expire.

(b) through (k) No change.

(14) through (15) No change.

(16) Level I Adult Cardiovascular Services.

(a) Licensure.

1. A hospital seeking a license for a Level I adult cardiovascular services program shall submit an application on a form provided by the Agency, AHCA Form 3130-8010,

~~August 09~~ ~~Feb 09~~, License Application ~~Attestation~~ Level I Adult Cardiovascular Services, incorporated herein by reference and available at http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/hospital.shtml#acs, to the Agency, signed by the chief executive officer of the hospital, ~~confirming~~ ~~attesting~~ that for the most recent 12-month period, the hospital has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

a. Reportable cardiac catheterization procedures are defined as single sessions with a patient in the hospital's cardiac catheterization procedure room(s), irrespective of the number of specific procedures performed during the session.

b. Reportable cardiac catheterization procedures shall be limited to those provided and billed for by the Level I licensure applicant and shall not include procedures performed at the hospital by physicians who have entered into block leases or joint venture agreements with the applicant.

2. The request shall confirm ~~attest to~~ the hospital's intent and ability to comply with the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214;* and the *ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention)*; including guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient selection criteria to ensure patient quality and safety.

3. The request shall confirm ~~attest to~~ the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found in 419.2.1.2, Florida Building Code.

4. through 10. No change.

(b) through (g) No change.

(17) Level II Adult Cardiovascular Services.

(a) Licensure.

1. A hospital seeking a license for a Level II adult cardiovascular services program shall submit an application on a form provided by the Agency, AHCA Form 3130-8011, Feb-09, License Application ~~Attestation~~ Level II Adult Cardiovascular Services, incorporated herein by reference and available at http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/hospital.shtml#acs, to

the Agency, signed by the chief executive officer of the hospital, ~~confirming attesting~~ that for the most recent 12-month period, the hospital has provided a minimum of 1,100 adult inpatient and outpatient cardiac catheterizations, of which at least 400 must be therapeutic cardiac catheterizations, or, for the most recent 12-month period, has discharged at least 800 patients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

a. Reportable cardiac catheterization procedures shall be limited to those provided and billed for by the Level II licensure applicant and shall not include procedures performed at the hospital by physicians who have entered into block leases or joint venture agreements with the applicant.

2. The request shall ~~confirm attest to~~ the hospital's intent and ability to comply with applicable guidelines in the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-2*; in the *ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention)*; and in the *ACC/AHA 2004 Guideline Update for Coronary Artery Bypass Graft Surgery: A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (Committee to Update the 1999 Guidelines for Coronary Artery Bypass Graft Surgery) Developed in Collaboration With the American Association for Thoracic Surgery and the Society of Thoracic Surgeons*, including guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient selection criteria to ensure patient quality and safety.

3. The request shall ~~confirm attest to~~ the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found in 419.2.1.2, Florida Building Code.

4. through 7. No change.

(b) through (f) No change.

(18) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.001
 RULE TITLE: Medicaid Providers Who Bill on the Non-Institutional 081

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.0021
 RULE TITLE: Discipline of Electrolysis Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 27, July 10, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1012
 RULE TITLE: Adoption of Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 22, June 5, 2009 issue of the Florida Administrative Weekly.

A Notice of Change for this rule was published in Vol. 35, No. 32, August 14, 2009, issue of the Florida Administrative Weekly. That notice sets forth changes that were made to Forms OFR-560-01 and OFR-560-07 to address comments from the Joint Administrative Procedures Committee. Subsequent to the publication of the notice of change, a drafting error was discovered regarding the instructions that had been added for question 11 of Form OFR-560-01 and question 2 of Form OFR-560-07. The instructions to these questions have been clarified to reflect the substance of the questions, which provide that an entity's security device requirement is \$50,000, if the entity's money transmission

business is limited solely to the physical transportation of currency (or other valuables) via armored cars, and the entity maintains cargo insurance meeting certain requirements.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Florida Department of Education has issued an order.

An Order Denying Emergency Petition for Temporary Waiver of Rule 6A-6.03315, F.A.C., was issued in the case of St. Elizabeth of Hungary Catholic School vs. Florida Department of Education, Agency Case No. DOE-2009-1857, finding that the Petitioner does not identify specific facts constituting an emergency situation, and does not identify specific facts to show that Petitioner will suffer an immediate adverse effect unless the waiver is issued more expeditiously than the time frames provided in Section 120.542, F.S.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-966.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Department of Education has issued an order.

The Department of Education has issued an Order Denying Petition for Waiver of Rule 6A-6.03315, F.A.C., in the case of St. Elizabeth of Hungary Catholic School vs. Florida Department of Education, DOE Agency Case No.: DOE-2009-1857. The petition was dismissed based on the finding that the Petitioner did not file a satisfactory/violation-free fire inspection report with the Department within the timeframe identified in the Petition; the purpose of the

underlying statute cannot be achieved through the means requested; there is no substantial hardship; alternatively if there is a substantial hardship, it was created by the Petitioner not by Rule 6A-6.03315, F.A.C., and the principles of fairness are not violated by application of Rule 6A-6.03315, F.A.C.

For a copy of the order please contact: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Department of Education has issued an order.

An Order Denying Emergency Petition for Temporary Waiver of Rule 6A-6.03315, F.A.C., was issued in the case of Epiphany Catholic School vs. Florida Department of Education, Agency Case No. DOE-2009-1860, finding that the Petitioner does not identify specific facts constituting an emergency situation, and does not identify specific facts to show that Petitioner will suffer an immediate adverse effect unless the waiver is issued more expeditiously than the time frames provided in Section 120.542, F.S.

A copy of the order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Department of Education has issued an order.

The Department of Education has issued an Order Denying Petition for Waiver of Rule 6A-6.03315, F.A.C., in the case of Epiphany Catholic School vs. Florida Department of Education, DOE Agency Case No.: DOE-2009-1860. The petition was dismissed based on the finding that the purpose of the governing statute cannot be achieved through the means requested (relating to the deadline for the submission of required affidavit and form), there is no substantial hardship; alternatively if there is a substantial hardship, it was created by the Petitioner not by Rule 6A-6.03315, F.A.C., and the principles of fairness are not violated by application of Rule 6A-6.03315, F.A.C.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

NOTICE IS HEREBY GIVEN THAT on August 21, 2009, the Florida Department of Education, received a petition for an Emergency Petition for Variance or Waiver of subparagraph 6A-1.039(3)(a)2. and subsection (4), F.A.C. filed RE: Applications by Sylvan Learning Centers of Collier and Lee Counties, Sylvan Learning Centers of Charlotte and Sarasota Counties, Ace It! Powered by Sylvan of Collier and Lee