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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) "Applicant" means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

(b) "Banner" means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner," which is located adjacent to the travel lanes of the roadway and is attached to a single existing permanent support.

2. "Street Banner," which extends over the travel lanes of the roadway and is attached to two or more existing permanent supports.

(c) "Canopy" means a permanent or semi-permanent, on-premise roof-like projection partially extending over the right of way.

(d) "Department" means the State of Florida Department of Transportation.

(e) "Local Governmental Entity" means as provided in Section 334.03(14) F.S.

(f) "Official Marker" means a Pole Banner identifying specific areas, such as historic, banking, or entertainment districts.

(g)(f) "Overhanging Encroachment" means a sign, canopy, or banner, or official marker, as these terms are herein defined, which is placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(h)(g) "Sign" means as provided in Section 479.01(17), F.S.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System. Overhanging encroachments are subject to the following conditions on limited access facilities:

(a) No new supports may be located within state right of way.

(b) Must be allowed by the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(c) Must be adjusted or removed at the owner's expense if the overhanging encroachment interferes with Department construction.

(d) ~~Shall~~ May not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate vehicles.

(e) Must comply with the setback or clearance requirements set forth in paragraphs (3)(a) and (3)(b) ~~(2)(h) and (2)(i)~~ below. Overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it will be removed by the Department. ~~If the overhanging encroachment presents a safety hazard, the Department will remove it and notify the owner of the removal.~~

(f) May not be erected or maintained in a manner which interferes with the Department's maintenance, operation, or other use of a transportation facility.

(g) Upon removal by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the overhanging encroachment.

(h) Shall not contain changeable message technology.

(i) Shall be maintained in like new condition. Failure to properly maintain the encroachment shall cause the permit to be revoked after a ten (10) day notice from the Department.

(j) If the overhanging encroachment presents a safety hazard, the Department will remove it and notify the owner of the removal.

~~(3)(h)~~ Signs and canopies which meet the criteria of Section 479.16(1), F.S. Florida Statutes, may only be placed ~~along and over any roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists~~ in compliance with the following conditions:

~~(a)±~~ Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet; the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb; and the entire structure must comply with the Department's horizontal clearance requirements set forth in the Roadside Offsets standard, Index 700, of the 2010 Department Design Standards, incorporated herein by reference, and available at: www.dot.state.fl.us/officeofdesign ~~clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.~~

~~(b)2-~~ Within municipalities where there is not curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department's horizontal clearance requirements set forth in the Roadside Offsets standard of the Department's Design Standards clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways with Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

~~(c)3-~~ The design of canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity within whose jurisdictional boundaries the banners are placed.

~~(d)4-~~ No canopy or sign shall be erected away from the site of the business which it promotes.

~~(e)5-~~ Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), F.S. Florida Statutes.

~~(4)(i)~~ Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

~~(a)1-~~ There must be written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

~~(b)2-~~ Banners may be displayed for a period not to exceed 30 consecutive calendar days and may not be within 180 days of the last day of its most recent display period, except as otherwise provided herein.

~~(c)3-~~ Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when specifications are the same.

~~(d)4-~~ Banners ~~shall may~~ not be placed within 500 feet of a limited access interchange.

~~(e)5-~~ Banners are not permitted where a Department construction project is planned or ongoing during the requested display period.

~~(f)6-~~ Street banners may be displayed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

~~(g)7-~~ Street banners must be:

~~1.a-~~ Placed a minimum of 1,000 feet apart on the right of way of non limited access roadways; and

~~2.b-~~ At its lowest point vertically clear the pavement by at least 18 feet.

~~(h)8-~~ Pole banners must be:

~~1.a-~~ Placed a minimum of 1,000 feet apart on the same side of the travel lane on non limited access facilities outside the corporate limits of a municipality;

~~2.b-~~ At its lowest point at least 14 1/2 feet above the pavement elevation;

~~3.e-~~ Attached to a light standard or other such device which is permanently located in the right of way.

~~(i)9-~~ Pole banners may not be attached to any utility pole.

~~(j)10-~~ Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

(k) Official markers shall not be used to advertise an individual off-site business or shopping center.

(5) Official markers shall comply with all pole banner requirements except for sub-subparagraph (2)(i)8.a. Additionally, the following shall apply:

(a) Official markers must be identical and may only be displayed within the identified area, with no more than one official marker per city block.

(b) All official markers shall display the same legend or lettering identifying the area, however, individual sponsorship may be displayed beneath the legend provided the name or business logo of the sponsor is no greater than 25% of the total display.

(c) The sponsorship portion of the official marker may only contain the name and/or logo of the sponsor. No additional information may be displayed, including:

1. Telephone number

2. Address

3. Distance to a business

4. Direction to a business

(d) Official markers must be made of flexible material.

(e) Permits are issued for up to 12 months, and may be renewed at the end of the permit term.

(f) The applicant shall be responsible for all costs, including installation and removal, of the official markers.

~~(6)(3)~~ Applications for a sign or canopy must be made in writing to the appropriate District Maintenance Office and shall include:

- (a) The name and address of the applicant.
- (b) A drawing of the sign or canopy, drawn to scale, including any message, logo, or emblem.
- (c) A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.
- (d) Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).
- (e) Proof of compliance with resolutions of the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

~~(7)(4) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date.~~ The application for banners shall be on Application to Place Banners on Non Limited Access State Right of Way, DOT Form 575-070-18, Rev. 08/08, incorporated herein by reference. Copies of DOT Form 575-070-18 are available from the State Maintenance Engineer or any District Maintenance Engineer.

(8) The application for official markers shall be on Application to Place Official Markers on Non-Limited Access State Right of Way, FDOT Form 575-070-21, Rev. 10/10, incorporated herein by reference. Copies of DOT Form 575-070-21 are available from the State Maintenance Engineer or any District Maintenance Engineer.

Rulemaking Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, 5-30-05, 2-18-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Garner, Director, Office of Right of Way
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to create disciplinary charges associated with the use, possession, introduction, and trafficking of tobacco and tobacco products.

SUMMARY: The proposed rule creates disciplinary charges associated with the use, possession, introduction, and trafficking of tobacco and tobacco products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied. The effective date of this rule is October 1, 2011.

Maximum Disciplinary Actions

SECTIONS 1. through 2. No change.

SECTION 3. CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1	Possession of or manufacture of weapons, ammunition, or explosives	60 DC + All GT
3-2	Possession of escape paraphernalia	60 DC + All GT
3-3	Possession of narcotics, unauthorized drugs and drug paraphernalia	60 DC + 180 GT
3-4	Trafficking in drugs or unauthorized beverages	60 DC + All GT
3-5	Manufacture of drugs or unauthorized beverages	60 DC + 180 GT
3-6	Possession of unauthorized beverages	30 DC + 90 GT
3-7	Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.	60 DC + 180 GT
3-8	Possession of negotiables – unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, other inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards or any other negotiable item which is not authorized	15 DC + 30 GT
3-9	Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.	15 DC + 30 GT
3-10	Possession of unauthorized clothing or linen – State or personal	15 DC + 30 GT
3-11	Possession of stolen property – State or personal	15 DC + 30 GT
3-12	Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband	15 DC + 30 GT
3-13	Introduction of any contraband	60 DC + All GT
3-14	Possession or use of a cellular telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under Section 944.47(1)(a)6., F.S.	60 DC + All GT
3-15	Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents Possession	30 DC + 30 GT
3-16	<u>Non-death row inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers.</u>	<u>30 DC + 60 GT</u>
3-17	<u>Death row inmates – Possession of tobacco, other than authorized smokeless tobacco, or possession of tobacco-related products intended for use with smoking tobacco such as lighters or cigarette papers; introduction of tobacco or tobacco-related products to non-death row housing or trafficking in such products.</u>	<u>30 DC + 60 GT</u>

SECTIONS 4. through 11. No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.721
RULE TITLE: Visiting Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to smoking.

SUMMARY: The proposed rule is amended to remove reference to smoking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.721 Visiting Operations.

(1) through (6) No change.

~~(7) Smoking shall be permitted only in an outdoor smoking area designated by the warden.~~

(8) through (11) renumbered (7) through (10) No change.

(11) The effective date of this rule is October 1, 2011.

Rulemaking Specific Authority 944.09,~~944.23~~ FS. Law Implemented 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 9-16-03, 7-17-07,10-1-11.

Editorial Note: Formerly 33-601.708, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-7.034 RULE TITLE: Alternate-Site Testing

PURPOSE AND EFFECT: The agency is proposing to amend the rule that specifies the elements required to operate an alternate-site within a hospital to broaden the laboratory director's discretion for site development and remove any requirement for Agency prior approval of alternate testing sites within hospitals licensed under Chapter 395, F.S.

SUMMARY: Revisions broaden parameters for alternate-site development giving laboratory directors more discretion in testing to be performed within certain parameters and allow site implementation without Agency pre-review and approval.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely

increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 483.051, 408.819 FS.

LAW IMPLEMENTED: 408.806, 408.813, 408.814, 408.816, 483.051, 483.181, 483.201, 483.221, 483.23 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 21, 2011, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.034 Alternate-Site Testing.

(1) through (2)(b) No change.

(c) Alternate-site locations must be listed on any hospital clinical laboratory licensure application submitted to the Agency.

(3) No change.

(4) Hospital Internal Needs Assessment:

(a) The laboratory director in consultation with the appropriate medical staff shall prepare an internal needs assessment for alternate-site testing. Each testing site assessment shall include an evaluation of patient benefits and criteria for such testing, location of alternate-site, population to be served, and an evaluation of proposed instruments or testing methodologies to determine if the requirements listed in subsections ~~(7)(8)~~ through ~~(9)(12)~~ are met.

(b) through (e) No change.

~~(5) Approval of Alternate-Site Testing:~~

~~(a) A request for approval of any new instrument or testing methodology not currently listed by the Agency's Internet site Clinical Laboratory Hospital Alternate Site Testing, November 2010: http://ahea.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml and incorporated herein by reference, as approved for alternate-site testing, must be submitted to the Agency for review and approval prior to implementation. If the instrument is listed as an unapproved test, then it cannot be performed at an alternative site. If a test~~

is listed as approved under specific circumstances, those circumstances must be met in order for the test to be performed.

(b) A request for approval of any new instrument or testing methodology must include the location of the alternate site, category of personnel who will perform the tests, name of the instrument or method to be used, instrument manufacturer and model number if applicable, and any other information necessary for the Agency to determine whether tests to be performed meet the criteria established in subsection (10).

(c) Requests must be sent to: Agency for Health Care Administration, Clinical Laboratory Unit, M.S. 32, 2727 Mahan Drive, Tallahassee, Florida 32308. The Agency will respond with either a request for additional information or approval within 30 days of receipt of the request.

(d) Instruments or testing methodologies previously approved and listed on the Agency's alternate site testing website Clinical Laboratory Hospital Alternate Site Testing, November 2010: http://ahea.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml do not require prior approval.

(e) A listing of all alternate site testing locations and laboratory tests performed at each site must be included with each laboratory license renewal application.

(5)(6) Written Protocols and Quality Assurance Programs:

(a) through (c) No change.

(6)(7) Recordkeeping Requirements:

(a) through (c) No change.

(7)(8) Alternate-Site Testing Personnel Requirements:

Staff performing the testing at these alternate-sites, as authorized under this subsection, are not required to be licensed under Chapter 483, Part III, F.S., as clinical laboratory personnel.

(a) Testing personnel shall have a high school diploma, or its equivalent, and have met the HIV/AIDS educational requirements pursuant to Section 381.0035, F.S. In addition, all testing personnel in the alternate-test site locations shall meet one of the following requirements:

1. Is licensed as an advanced registered nurse practitioner, a registered nurse or licensed practical nurse pursuant to Chapter 464, F.S.,

2. Is licensed as a radiologic technologist pursuant to Chapter 468, Part IV, F.S.,

3. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,

4. Is a phlebotomist certified by the American Society of Clinical Pathologists (ASCP), National Certification Agency for Medical Laboratory Personnel (NCA), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT);

4.5. Is licensed as a physician assistant pursuant to Chapter 458 and 459, F.S.,

5.6. Is a perfusionist certified by the American Board of Cardiovascular Perfusion, determined eligible for certification by the American Board of Cardiovascular Perfusion, or has two years of clinical experience in cardiovascular perfusion with 100 clinical perfusions conducted as of January 1, 1981.

6.7. Is a cardiovascular technician certified by the Cardiovascular Credentialing International (CCI),

7.8. Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part III, F.S., or exempt from such licensure as provided in that chapter,

8.9. Is a licensed Emergency Medical Technician (EMT) or Paramedic pursuant to Chapter 401, F.S., or

9.10. Meets the staff training and education requirements set out in the alternate-site policy and procedure manual developed by the laboratory director for individuals performing tests categorized as waived. Individuals, such as phlebotomists, who meet such staff training and education requirements for performing tests categorized as waived, but who do not meet the requirements for performing moderate complexity tests as provided under this rule, are restricted to performing tests categorized as waived.

(b) The laboratory director will determine if the above listed personnel are suitable to perform testing at the alternate-site. The laboratory director shall:

1. Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034(7)(a), F.A.C. and

2. Establish methods for the evaluation of competency to verify that alternate-site testing personnel perform procedures and report tests results promptly and accurately. Evaluation of competency shall include:

a. Specimen collection, handling and storage including infection control procedures;

b. Skills required to perform the test method;

c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the testing methodologies;

d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;

e. Skills required to implement quality control policies and procedures and evaluate quality control results;

f. An awareness of factors that influence test results;

g. Skills required to assess and verify the validity of patient test results through the assessment of quality control testing outcomes;

h. Demonstration of knowledge of patient preparation for each test performed;

i. Demonstration of knowledge of infection control procedures; and

~~j. Demonstration of knowledge of reporting procedures for life threatening results.~~

~~(c) The laboratory director shall, in consultation with medical staff designated by the hospital, establish the training needs for the test methods used at each site. This training at a minimum must ensure that alternate site testing personnel have had instruction in the following areas:~~

~~1. Specimen collection, handling and storage including infection control procedures.~~

~~2. Instrument procedures including skills required to perform preventive maintenance, calibration and troubleshooting.~~

~~3. Skills required to implement quality control procedures and evaluate quality control results.~~

~~4. Skills required to perform specific test procedures.~~

~~5. Result reporting and documentation techniques including knowledge of reporting procedures for life threatening results.~~

~~6. Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment and correlation of pre-analytical and post-analytical phases of testing with laboratory data generated during the analytical phase of testing as they relate to common physiological conditions and quality control, and~~

~~7. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported.~~

~~(c)(d) Successful completion of a training program approved by the Board of Clinical Laboratory Personnel provided under Section 483.811, F.S., shall meet the minimum training requirements specified in paragraph (c), above.~~

~~(8)(9) Responsibilities of the Laboratory Director Pertaining to the Alternate-Test Site:~~

~~(a) The laboratory director shall:~~

~~1. ensure the Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034(8)(a), F.A.C.; and~~

~~2. Establish methods for the evaluation of competency to verify that alternate site testing personnel perform procedures and report test results promptly and accurately. Evaluation of competency shall include:~~

~~a. Sample handling skills;~~

~~b. Skills required to perform the test method;~~

~~c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the testing methodologies;~~

~~d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;~~

~~e. Skills required to implement quality control policies and procedures and evaluate quality control results;~~

~~f. An awareness of the factors that influence test results;~~

~~g. Skills required to assess and verify the validity of patient test results through the assessment of quality control testing outcomes;~~

~~h. Demonstration of knowledge of patient preparation for each test performed;~~

~~i. Demonstration of knowledge of infection control procedures; and~~

~~j. Demonstration of knowledge of reporting procedures for life threatening results.~~

~~(b) validation Validation of personnel competency, which shall include review of test results, quality control records, proficiency testing results and preventive maintenance records; direct observation of test performance and instrument maintenance; and assessment of performance through testing previously analyzed specimens, internal blind samples, or proficiency testing samples.~~

~~(b)(e) Evaluation of competency for alternate-site testing personnel must be performed prior to initiation of patient testing and at least annually thereafter.~~

~~(c)(d) Documentation of licensure or certification, as applicable, pursuant to subsection 59A-7.034(8), F.A.C., and competency evaluations must be maintained during the tenure of all testing personnel and for a minimum of two years thereafter and made available to the agency at the time of inspection.~~

~~(9)(10) Tests Performed: Only test procedures approved by the clinical laboratory director Agency and documented in the internal needs assessment in accordance with Rule 59A-7.034, F.A.C., shall be performed at the alternate-test site.~~

~~(a) Tests performed at these sites shall not exceed moderately complex test procedures and must:~~

~~1. Employ whole blood specimens that require no manual specimen or reagent manipulation, treatment, extraction, centrifugation, separation or any other processing of any kind by the operator, as determined by the clinical laboratory director; and~~

~~2. No change.~~

~~(b) Alternate-test sites are also permitted to perform moderately complex testing on bodily fluids such as amniotic fluid, which require minimal preparation as determined by the laboratory director waived tests, activated clotting times, gastric occult blood, gastric pH and urine specific gravity by refractometer. Heparin concentration, heparin assay, heparin dose response and thrombelastograph tests are permitted to be performed only by perfusionists certified by the American Board of Cardiovascular Perfusion or laboratory personnel licensed as director, supervisor, or technologist under Chapter 483, Part III, F.S.~~

~~(c) through (d) No change.~~

~~(10)(11) The Agency shall take administrative action pursuant to Sections 483.201, 483.221, 408.806, 408.813, 408.814, 408.816 and 483.23, F.S., up to and including revocation of the approval for operation of any or all~~

~~alternate testing sites~~ where the agency determines that said sites have operated in violation of Chapter 483, Part I, F.S., Chapter 408, Part II, and the provisions of Chapter 59A-7, and Chapter 59A-35, F.A.C. In addition, pursuant to Sections 408.813, 408.814, 408.816, 483.201, 483.221, and 483.23, F.S., in the event of such a violation, the Agency shall take administrative action up to and including revocation of the laboratory license of the laboratory maintaining the alternate-testing site.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 408.806, 408.813, 408.814, 408.816, 483.051, 483.181, 483.201, 483.221, 483.23 FS. History—New 12-27-95, Amended 12-8-09, 12-29-10, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Dudek
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-8.0086	Denial, Suspension, Revocation of License and Imposition of Fines
59A-8.0185	Personnel Policies

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal the Rules 59A-8.0086 and 59A-8.0185, F.A.C. Rule 59A-8.0086, F.A.C., is no longer needed since the requirements are now in state laws. The Agency does not have legal authority for rulemaking on personnel policies and therefore, Rule 59A-8.0185, F.A.C., is being repealed.

SUMMARY: Rule 59A-8.0086, F.A.C., on denial, suspension, revocation of license and imposition of fines is no longer needed. The requirements for denials, suspensions, revocations and fines are now in Sections 408.806(3), 400.474, 400.484, 408.813, 408.814, and 408.815, F.S. Rule 59A-8.0185, F.A.C., on personnel policies includes requirements for health statements, personnel files, job descriptions and orientation of health personnel. Since a review by the Joint Administrative Procedures Committee attorney found that the Agency did not have legal authority for rules on personnel policies, the rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of

\$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.474, 400.484 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-8.0086 Denial, Suspension, Revocation of License and Imposition of Fines.

Rulemaking Specific Authority 400.497 FS. Law Implemented 120.59, 400.474, 400.484 FS. History—New 10-27-94, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, Repealed _____.

59A-8.0185 Personnel Policies.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.471, 400.497 FS. History—New 10-27-94, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2010

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid

RULE NO.:	RULE TITLE:
59G-4.130	Home Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.130, F.A.C., is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, September 2011. The handbook was revised to comply with changes to Section 409.905(4), F.S.

SUMMARY: Changes to the handbook include requiring prior authorization for all home health visits (skilled nursing and home health aide services), private duty nursing, and personal care. The ordering physician cannot be employed by or under contract with the home health service provider that is rendering

the services and must have provided an examination or medical consultation to the recipient within 30 days preceding the request for services. The ordering physician's National Provider Identifier, Medicaid Provider Number, or medical license number must be written on the order for services and the prior authorization request. In addition, the update includes numerous policy clarifications and the addition of mandatory forms to assist providers and recipients in their efforts to submit the required documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, e-mail: claire.davis@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, September 2011 ~~July 2008~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement

Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web site Portal at www.http://mymedicaid-florida.com. Select Click ~~on~~ Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting Option 7.

(3) through (4) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Claire Anthony-Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-1.011 **RULE TITLE:** Special Review of Final State Agency Decisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rule identified above was implemented for the purpose of administering a program which no longer exists and is, therefore, no longer necessary. There are no other rules which incorporate the rule identified above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 20.50, 120.54(6), 445.004 FS.

LAW IMPLEMENTED: 120.54(6), 445.023, 445.025, 445.028, 445.029, 445.030, 445.031, 445.032 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m.

PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James E. Landsberg

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-1.011 Special Review of Final State Agency Decisions.

~~(1) This section applies only to the review of a complaint or grievance related to WtW activities and that involves: gender discrimination, as prescribed in 20 CFR 645.255(b); health and safety standards established under State and Federal law which are applicable to similarly employed employees, of the same employer, who are not participants in WtW programs, as prescribed at 20 CFR 645.260; and displacement of WtW participants or regular employees, as prescribed at 20 CFR 645.265.~~

~~(2) Rather than an immediate judicial review of a final agency order, a grievant or complainant may request a hearing before the Division of Administrative Hearings.~~

~~(3) A request for hearing under this provision shall be filed within twenty one (21) calendar days of receipt of final agency action and shall be filed with the Agency Clerk, Agency for Workforce Innovation, Office of General Counsel, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128.~~

~~Rulemaking Specific Authority 20.50, 120.54(6), 445.004 FS. Law Implemented 120.54(6), 445.023, 445.025, 445.028, 445.029, 445.030, 445.031, 445.032 FS. History-New 4-3-02, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
James E. Landsberg

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.451
RULE TITLE: VPK Class Schedules

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The requirements of this rule are restated in Rule 60BB-8.204, Florida Administrative Code. Subsection 60BB-8.100(11), Florida Administrative Code, incorporates this rule by reference. The repeal of this rule will result in a need to change the reference to this rule to a reference to Rule 60BB-8.204, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m.

PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristin R. Harden, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150, Kristin.Harden@flaawi.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-8.451 VPK Class Schedules.

~~An early learning coalition may not pay a VPK provider for a VPK class unless the class schedule complies with the following:~~

~~(1) School Year Program.~~

~~(a) Except as provided in paragraph (b), a school year program may not begin instruction more than 14 days before Labor Day.~~

~~(b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school year program in the county may not begin instruction before the uniform date.~~

~~(c) A school year program must complete instruction by June 30.~~

~~(2) Summer Program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.~~

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS. History–New 5-24-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristin R. Harden

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-10.001	Purpose, Intent and General Principles
60BB-10.002	Definitions
60BB-10.003	Participant Eligibility Requirements
60BB-10.004	How to Participate
60BB-10.005	Support Services
60BB-10.006	Employer Participation
60BB-10.007	Position Requirements
60BB-10.008	Cost Sharing or Matching
60BB-10.009	Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rules identified above were implemented for the purpose of administering a program which no longer exists and are, therefore, no longer necessary. There are no other rules which incorporate the rules identified above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 445.004(5)(c) FS.

LAW IMPLEMENTED: 445.004, 445.024(1)(b) 445.024(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m.

PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James E. Landsberg, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150, James.Landsberg@flaawi.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-10.001 Purpose, Intent, and General Principles. ~~Temporary Assistance for Needy Families (TANF) work activities are designed to assist the participant in obtaining employment to achieve economic self sufficiency. TANF participants who apply for or currently receive cash assistance, as well as other persons who meet TANF eligibility requirements and all other requirements of this rule may be eligible for subsidized employment. Participation will be contingent upon funding, the availability of jobs, and on the employers' ultimate selection.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed _____.

60BB-10.002 Definitions.

The following words, phrases, or terms, as used in this rule, shall have the following meanings:

(1) ~~“Parent/Relative Caregiver” means the mother, legal father, natural or biological father, maternal relatives, relatives of the legal father, and relatives of the natural or biological father. The dependent child must be related within the fifth degree (no greater than the first cousin once removed) to the caretaker relative.~~

(2) ~~“Participating Employer” means a public agency, nonprofit private agency, or private employer that agrees to participate in a subsidized employment project.~~

(3) ~~“Eligible Individual” means a person who has been determined eligible to participate in a TANF funded subsidized employment project.~~

(4) ~~“Qualified Participant” means a TANF eligible individual who meets the requirements for participation in a TANF funded subsidized employment project and has the job skills required by the employer participating in the project. Referral of a Qualified Participant to an employer does not guarantee selection for subsidized employment.~~

(5) ~~“Subsidized Employment” means employment for which the employer receives a TANF subsidy to offset some or all the wages and costs of employing a TANF eligible participant. Public agencies, nonprofit private agencies, and private employers are eligible to participate.~~

(6) ~~“Diversion” means immediate assistance to secure or retain employment as an alternative to welfare (cash assistance), and includes linking a person to a job opportunity as a first option.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed _____.

60BB-10.003 Participant Eligibility Requirements.

To be eligible for consideration for participation in the TANF subsidized employment project, the individual must:

(1) ~~Be a TANF participant currently receiving temporary cash assistance who is available for immediate employment, or~~

(2) ~~Be an applicant for temporary cash assistance who has been determined eligible for TANF funded cash assistance, or~~

(3) ~~Be an individual who meets the following requirements:~~

(a) ~~Have a gross family income at or below 200% of the Federal Poverty Guidelines, as established annually by the United States Department of Health and Human Services, for the 30 days preceding application to participate in the program;~~

(b) ~~Be a United States citizen or qualified non-citizen defined in Section 414.095(3), F.S.;~~

(c) ~~Be a legal resident of the State of Florida;~~

(d) ~~Be a pregnant woman, or a parent or caretaker relative of an unmarried dependent child under age 18, or a full time student in a secondary school or equivalent level of career training who is under the age of 19 and who resides in the home; and~~

(e) ~~Provide a social security number or proof of application for a social security number, or~~

(4) ~~Be a minor child in the family of an individual determined eligible under one of the criteria specified above who is under age 18, or under age 19 if a full time student in a secondary school or equivalent level of career training, is of legal age to engage in work (at least 14 years of age), is not married or divorced, and resides in the home.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed _____.

60BB-10.004 How to Participate.

(1) ~~Current TANF Participants. A regional workforce board may review its current TANF caseload to identify individuals who are currently receiving cash assistance who meet the job skill requirements of a job created by a subsidized employment project. Temporary cash assistance recipients participating in the Welfare Transition Program may also request to be considered for the subsidized employment program. The regional workforce board shall refer eligible, qualified participants who volunteer to participate to the participating employer for consideration for the subsidized employment position. A TANF participant or other eligible person who is currently receiving cash assistance who enters subsidized employment must sign Form AWI-SEP-0011, *TANF Subsidized Employment Program Agreement* (effective 12/09), incorporated herein by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>.~~

(2) ~~An applicant for TANF temporary cash assistance. Individuals who have made application for temporary cash assistance and have been determined eligible for such assistance will be considered for participation in a subsidized employment project as a TANF diversion activity if that individual meets the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer eligible, qualified individuals who wish to participate to the participating employer for consideration for the subsidized employment position. A TANF applicant who enters subsidized employment must sign Form AWI-SEP-0011, *TANF Subsidized Employment Program Agreement*.~~

(3) ~~A person who meets the eligibility standards listed under subsection 60BB-10.003(3), F.A.C., who is neither a temporary cash assistance applicant nor current recipient of temporary cash assistance may contact or be contacted by a regional workforce board, Florida career center or other designated entity. Program staff will collect the information necessary to determine if the individual is TANF eligible by~~

~~completing Form AWI-SEP 0005(e), *Request for TANF Funds/Eligibility Determination - 2009/2010* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>. If the individual is determined TANF eligible, the program staff will determine if the individual meets the job skill requirements of a job created by a subsidized employment project. The program staff shall refer qualified individuals who are found eligible for the subsidized employment project to participating employers for consideration for the subsidized employment position. The TANF eligible individual who enters subsidized employment must sign Form AWI-SEP 0011, *TANF Subsidized Employment Program Agreement*.~~

~~Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History-New 5-26-10, Repealed _____.~~

60BB-10.005 Support Services.

~~Participation in a Subsidized Employment program does not exclude the participant from eligibility for support services such as transportation assistance and child care. The participant may obtain information about, and apply for support services through, the regional workforce board. Support services are provided based on program eligibility and funding availability. If resources do not permit the provision of needed support services, the regional workforce board may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services.~~

~~Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History-New 5-26-10, Repealed _____.~~

60BB-10.006 Employer Participation.

~~(1) Participation in the Subsidized Employment Program is contingent upon funding by the Florida Legislature and the receipt of grant funds from the United States Department of Health and Human Services. Public and Private Sector employers interested in the subsidized employment program must complete Form AWI-SEP 0012, *Subsidized Employment Program Employer Information Sheet* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>, that provides contact information for the participating employer, the number of subsidized employment positions needed and a description of the job skills required for each subsidized employment position, an attached budget narrative that details the costs of the project, and a written commitment by the employer to contribute any required funding to support the project and agreement to provide all necessary supervision and training for the subsidized positions.~~

~~(2) The Regional Workforce Board will evaluate a proposed subsidized employment project using the following criteria:~~

~~(a) Verification that the employer is registered with the Florida Department of State, Division of Corporations, and is authorized to conduct business in Florida;~~

~~(b) The commitment from the employer to contribute the amount of cash and/or in-kind services needed to cover any costs not reimbursed from the TANF Contingency Fund;~~

~~(c) The commitment from the employer to provide all necessary supervision and training for the employees placed into subsidized positions;~~

~~(d) The capability of the participating employer to implement the project on its scheduled timetable;~~

~~(e) The financial capability of the participating employer to advance the payroll costs for the project; and~~

~~(f) With respect to private, for-profit employers, the commitment of the employer to retain participants in jobs after the period of subsidization ends.~~

~~(3) The Regional Workforce Board or its agent shall enter into a Subsidized Employment contract with each participating employer. The contract shall, at a minimum, include the following terms:-~~

~~(a) The beginning date of employment;~~

~~(b) The hourly wage to be paid to the qualified participant;~~

~~(c) The number of hours scheduled per week;~~

~~(d) The months for which the subsidy is available;~~

~~(e) The amount of the subsidy; and~~

~~(f) The time period for reimbursement.~~

~~Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History-New 5-26-10, Repealed _____.~~

60BB-10.007 Position Requirements.

~~(1) To qualify for the employment subsidy, the position must:~~

~~(a) Pay an hourly wage not less than the minimum wage in Florida;~~

~~(b) Meet the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the subsidized employment program;~~

~~(c) Comply with 45 C.F.R. Section 261.70. A subsidized employment position cannot be created if another individual is on layoff from the same or any substantially equivalent job, or if the employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with a subsidized worker; and~~

~~(d) Provide the same wages, benefits, and working conditions as are provided to other employees who are performing a substantially equivalent job.~~

~~(2) The Agency will subsidize a wage not to exceed \$40,579.00, which is the Florida annual average wage for 2008, as published by the Florida Agency for Workforce~~

Innovation, Labor Market Statistics Center, Quarterly Census of Employment and Wages Program, produced in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics.

~~(3) In no case will a position be subsidized for more than 12 months.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed _____.

60BB-10.008 Cost Sharing or Matching.

~~Allowable costs incurred by the employer may be applied to the cost of employee wages, benefits, supervision, and training for TANF eligible individuals participating in an approved subsidized employment project, provided that:~~

~~(1) Any cash or in-kind contributions meet the requirements of 2 C.F.R. Part 215.23;~~

~~(2) Any use of in-kind contributions is approved in advance by the Regional Workforce Board; and~~

~~(3) The cash and or in-kind costs have not already been used as a matching contribution for another federally funded program.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed _____.

60BB-10.009 Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency.

~~If an individual placed with an employer as a part of the subsidized employment program who agreed not to apply for temporary cash assistance within six months of receiving a short-term non-recurring diversion service, unless an unanticipated emergency situation arises, applies for temporary cash assistance within that six-month period, the participant must be referred to the regional workforce board at application for temporary cash assistance to complete the work registration process. Consistent with subsection 65A-4.212(3), F.A.C., the regional workforce board's subsidized employment program staff must determine if a demonstrated emergency exists by completing Form AWI-SEP-0001(b), *Subsidized Employment Diversion Services Emergency Determination* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/baektowork/forms.html>. If the regional workforce board determines that an emergency exists the regional workforce board designee must so indicate on Form AWI-SEP-0001(b). If a demonstrated emergency exists, the individual will not be required to repay the value of short-term non-recurring diversion services; however, the individual must complete the work registration process. If the regional workforce board determines that the family does not meet emergency criteria and the work registration process is completed, the Department of Children and Families will complete the eligibility determination process using information provided by the regional workforce board to calculate the repayment value of any short-term non-recurring~~

~~diversion services provided to the family. The repayment amount shall be deducted from any temporary cash assistance benefit for which the family is otherwise eligible and may be prorated over eight months.~~

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James E. Landsberg

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: 60FF1-5.003 RULE TITLE: E911 State Grant Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to modify W Form 3A, "Application for the E911 State Grant Program"; to update the procedures for applying for the state grant program; and to renumber the rule accordingly.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to modify W Form 3A, "Application for the E911 State Grant Program"; to update the procedures for applying for the state grant program; and to renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

The following is a summary of the SERC:

- The proposed change would not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The proposed change would not have an impact on business competitiveness.
- Costs are limited to the calculation and processing costs for returning any excess funds.
- No effect on state or local revenue is expected.
- The proposed change is not expected to impact small business, small counties or small cities.

Additionally, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.
 LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Butler, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.003 E911 State Grant Programs.

The E911 State Grant program is a grant program provided for the purpose of assisting State of Florida counties with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

- (1) No change.
- (2) General conditions.

(a) Each county applying for E911 State Grant funds shall complete and submit W Form 3A, "Application for the E911 State Grant Program," effective 3/1/2011 ~~08/1/10~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
 ATTN: Administrative Assistant
 4050 Esplanade Way
 Building 4030 – Suite 160
 Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for Application Form items 1 through 14 ~~40~~ and the associated quotes for the grant application postmarked or delivered on or before June ~~November~~ 1.

- (b) through (c) No change.

(d) Grant applications totaling \$35,000.00 ~~25,000.00~~ or more must be accompanied by at least three written substantiated competitive quotes from different vendors, unless a sole source request is approved in compliance with (e). The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain at least three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole source funding should be provided with the grant this application. ~~Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements and it should be provided with this application.~~

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall be provided with the grant application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with the grant application.

- (e) through (g) renumbered (f) through (h) No change.

(i)(~~h~~) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 State Grant funds in the account shall be accounted for separately from other grantee funds. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.

(j)(~~i~~) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. In lieu of submitting a signed quarterly Grant Budget/Expenditure and Quarterly Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(k)(~~j~~) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

- (k) through (l) renumbered (l) through (m) No change.

(n)(~~m~~) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, of previous E911 Board ~~board~~ grant awards.

- (o)(~~n~~) No change.

(p)(~~o~~) The amount and availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature. The E911 Board will adjust the amount awarded to a county based upon the availability of

funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3)(a) No change.

(b) Schedule:

1. Counties submit applications: by ~~June~~ November 1;

2. E911 Board evaluates applications: ~~June~~ November – December;

3. Board votes on applications at regularly scheduled meetings: ~~June~~ November – December;

4. Board sends notification of award and issuance of checks to counties approved for funding before ~~December~~ January 30;

5. through 6. No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History–New 12-7-08, Amended 10-27-10, Formerly 60FF-5.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.005 RULE TITLE: Supervised Experience Requirements

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the rule and to address the supervisor’s responsibility in instances where there are multiple supervisors.

SUMMARY: The proposed rule amendments clarify the rule and also require the primary supervisor to provide the required information to the Board in instances where there are multiple supervisors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule likely increase regulatory costs, including transactional costs, in excess of \$1 million in the aggregate within 5 years after implementation of the rule. These rule amendments will not require ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant’s internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) No change.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) No change.

(b) A psychology resident or post-doctoral fellow may be supervised by more than one supervisor, at more than one location. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for licensure, for supervision, and who integrates all of the applicant’s supervisory experiences.

(c) The post-doctoral training must be a cohesive and integrated training experience which includes ~~meets~~ the following criteria:

1. through 3. No change.

(3) Supervisors’ Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(a) through (g) No change.

(h) When there is more than one supervisor, pursuant to paragraph (2)(b) above, the primary supervisor shall provide the Board with a written statement describing the manner in which the training and supervision comprised a cohesive and integrated experience.

(4) Until licensure, an individual who completes post doctoral training residency may continue to practice under supervision so long as the individual does so in the manner

prescribed by this rule and so long as the individual has applied for licensure and no final order of denial has been entered in the application case before the Board.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History--New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, 8-5-01, 7-27-04, 3-4-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The Fort McCoy Wildlife Management Area (WMA) is privately owned. The landowner is removing the majority of the land, making it unsuitable for use as a WMA. The proposed rule change would remove reference to Ft. McCoy and allow the WMA to be dis-established.

SUMMARY: The proposed rule change would remove references to the Fort McCoy Wildlife Management Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution, 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.1025, 379.2223, 375.313, 375.591 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 379.354(8)(g) and (h), F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 379.354(8)(h)1., F.S., shall be:

1. through 4. No change.

~~5. Ft. McCoy—\$350~~

6. through 7. renumbered 5. through 6. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 379.354(8)(h)1., F.S., shall be:

1. through 4. No change.

~~5. Ft. McCoy—150~~

6. through 7. renumbered 5. through 6. No change.

(d) through (f) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.2223, 375.313, 375.591 FS. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09, 7-20-09, 7-1-10,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.008
 RULE TITLE: Permits for Physically Disabled

PURPOSE AND EFFECT: The Special Use Vehicle Permit allows vehicular access to certain closed roads on Wildlife Management Areas. Recent changes to federal regulations state that those individuals that qualify for a State-issued, permanent disability parking card should be given this accommodation. The proposed rule would comply with federal guidelines.

SUMMARY: The proposed rule change would expand the eligibility criteria for a Special Use Vehicle Permit to include those individuals that provide a copy of a valid, State-issued, permanent disability parking placard or card and the identification used to obtain the placard or card. This complies with recent changes to federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.008 Permits for Physically Disabled.

The executive director or his designee may issue permits, to persons who are permanently physically disabled as described below, for activities which would otherwise be regulated or prohibited by these rules. Such permits shall be conditioned as necessary to protect natural resources and to regulate access in accordance with management plans and policies for the area. Individuals not meeting the criteria for a permit set forth in this rule may request accommodation through the process established by the agency:

- (1) No change.
- (2) Special use vehicle permits. Permits to operate vehicles otherwise permitted by rule, on roads not open to the public, will be issued based upon a determination that the applicant has submitted an original certificate from a licensed physician certifying that the individual is permanently disabled in a way which renders normal walking impossible; or a copy of a valid, State-issued, permanent disability parking placard or card and the identification used to obtain the placard or card.
- (3) through (4) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 5-10-04, Amended 5-1-05, 10-23-08,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.065
RULE TITLE: Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The Fort McCoy Wildlife Management Area (WMA) is privately owned. The landowner is removing the majority of the land, making it unsuitable for use as a WMA. The proposed rule change will remove reference to Ft. McCoy and allow the WMA to be dis-established.

SUMMARY: The proposed rule change would remove reference to the Fort McCoy Wildlife Management Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

- (1) No change.
(2) Fort McCoy Wildlife Management Area:
(a) Open season:
1. General gun – November 5 through January 1.
2. Small game – January 2-22.
3. Archery – September 17 through October 16.
4. Muzzleloading gun – October 22-30.
5. Youth turkey hunt – March 10-11.
6. Spring turkey – March 17 through April 22.

7. Fishing and frogging—Allowed during periods in which access is allowed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of wild hog with a shoulder height of less than 15 inches is prohibited. The take of wild hog is prohibited after the first nine days of the general gun season and during small game season. Wild hog—daily bag 1, possession limit 2.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Persons operating vehicles shall enter and exit only at designated entrances.

3. Hunting with dogs is prohibited, except bird dogs may be used during the small game season.

4. Access to the area is allowed only from the Saturday two weeks prior to the archery season through one day after the last day of the spring turkey season.

5. Access is allowed only by individuals possessing a valid recreational use permit, except as provided by Section 379.354, F.S.

(3) through (37) renumbered (2) through (36) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 1-4-06, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 7-1-09, 7-1-10, 7-1-11,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

DEPARTMENT OF FINANCIAL SERVICES**Division of State Fire Marshal**

RULE NO.: 69A-3.012
 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To update the Florida Fire Prevention Code to include the most recently adopted National Fire Protection Standards as directed by Section 633.0215, F.S.

SUMMARY: This rule addresses the rules and codes authorized by Section 633.022, F.S. The rule is amended to adopt the most recent editions of National Fire Protection Standards 1 and 101, the National Fire Protection Standards adopted within the most recent editions of National Fire Protection Standards 1 and 101, and to update National Fire Protection Standards adopted in the rule to the most recently adopted editions. New Florida specific amendments to NFPA 1 and 101 are also adopted, while some, but not all, others carry forward from the original and subsequent rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0214, 633.027 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: July 21, 2011, 10:00 a.m.; July 22, 2011, 10:00 a.m.

PLACES:

July 21 – Tacachale Center, 1621 N.E. Waldo Road, Gainesville, Florida

July 22 – Sarasota Police Dept. Building, 2099 Adams Lane, Sarasota, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes at (850)413-3619 or Belinda.Chukes@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Jim.Goodloe@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, ~~2009 2006~~ edition and the Florida specific edition of NFPA 1, the ~~Uniform~~ Fire Code ~~2009 2006~~ edition, as adopted within Rule Chapter 69A-60, F.A.C., entitled the "~~2010 2007~~ edition of the Florida Fire Prevention Code," are hereby adopted and incorporated by reference and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 10-~~2007 2002~~ edition, Standard for Portable Fire Extinguishers

NFPA 11-2005 edition, Standard for Low-, Medium-, and High- Expansion Foam

~~NFPA 11A-1999 edition, Standard for Medium and High Expansion Foam Systems~~

NFPA 12-~~2008 2005~~ edition, Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A-~~2009 2004~~ edition, Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13-~~2007 2002~~ edition, Standard for the Installation of Sprinkler Systems

NFPA 13D-~~2007 2002~~ edition, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes

NFPA 13R-~~2007 2002~~ edition, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height

NFPA 14-~~2007 2003~~ edition, Standard for the Installation of Standpipe and Hose Systems, ~~except 2-7 shall be omitted,~~

NFPA 15-~~2007 2004~~ edition, Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16-~~2007 2003~~ edition, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17-~~2009 2002~~ edition, Standard for Dry Chemical Extinguishing Systems

NFPA 17A-~~2009~~ ~~2002~~ edition, Standard on Wet Chemical Extinguishing Systems
NFPA 20-~~2007~~ ~~2003~~ edition, Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22-~~2008~~ ~~2003~~ edition, Standard for Water Tanks for Private Fire Protection
NFPA 24-~~2007~~ ~~2002~~ edition, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25-~~2008~~ ~~2002~~ edition, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, ~~except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.~~
NFPA 30-~~2008~~ ~~2003~~ edition, Flammable and Combustible Liquids Code
NFPA 30A-~~2008~~ ~~2003~~ edition, Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 30B-~~2007~~ ~~2002~~ edition, Code for the Manufacture and Storage of Aerosol Products
NFPA 31-~~2006~~ ~~2001~~ edition, Standard for the Installation of Oil Burning Equipment
NFPA 32-~~2007~~ ~~2004~~ edition, Standards for Drycleaning Plants
NFPA 33-~~2007~~ ~~2003~~ edition, Standard for Spray Application Using Flammable and Combustible Materials
NFPA 34-~~2007~~ ~~2003~~ edition, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 35-2005 edition, Standard for the Manufacture of Organic Coatings
NFPA 36-2004 edition, Standard for Solvent Extraction Plants
NFPA 37-~~2006~~ ~~2002~~ edition, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 40-~~2007~~ ~~2001~~ edition, Standard for the Storage and Handling of Cellulose Nitrate Film
NFPA 45-2004 edition, Standard on Fire Protection for Laboratories Using Chemicals
~~NFPA 50-2001 edition, Standard for Bulk Oxygen Systems at Consumer Sites~~
~~NFPA 50B-1999 edition, Standard for Liquid Hydrogen Systems at Consumer Sites~~
NFPA 51-~~2007~~ ~~2002~~ edition, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
NFPA 51A-~~2006~~ ~~2001~~ edition, Standard for Acetylene Cylinder Charging Plants
NFPA 51B-~~2009~~ ~~2003~~ edition, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
NFPA 52-2006 edition, Vehicular Fuel Systems Code
NFPA 53-~~2011~~ ~~2004~~ edition, Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA 54-~~2009~~ ~~2006~~ edition, National Fuel Gas Code

NFPA 55-2005 edition, Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks
~~NFPA 57-2002 edition, Liquefied Natural Gas Vehicular Fuel Systems Code~~
NFPA 58-~~2008~~ ~~2004~~ edition, Liquefied Petroleum Gas Code
NFPA 59-~~2008~~ ~~2004~~ edition, Utility LP-Gas Plant Code
NFPA 59A-~~2009~~ ~~2006~~ edition, Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)
NFPA 61-~~2008~~ ~~2002~~ edition, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
NFPA 68-2007 edition, Standard on Explosion Protection by Deflagration Venting
NFPA 69-~~2008~~ ~~2002~~ edition, Standard on Explosion Prevention Systems
NFPA 70-~~2008~~ ~~2005~~ edition, National Electrical Code®
NFPA 72-~~2007~~ ~~2002~~ edition, National Fire Alarm Code®
NFPA 75-~~2009~~ ~~2003~~ edition, Standard for the Protection of information Technology Equipment
NFPA 80-~~2007~~ ~~1999~~ edition, Standard for Fire Doors and Other Opening Protectives ~~Fire Windows~~
NFPA 80A-2007 edition, Recommended Practice for Protection of Buildings from Exterior Fire Exposures
NFPA 82-2004 edition, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 85-2007 edition, Boiler and Combustion Systems Hazards Code
NFPA 86-~~2007~~ ~~2003~~ edition, Standard for Ovens and Furnaces
~~NFPA 86C-1999 edition, Standard for Industrial Furnaces Using a Special Processing Atmosphere~~
~~NFPA 86D-1999 edition, Standard for Industrial Furnaces Using Vacuum as an Atmosphere~~
NFPA 88A-~~2007~~ ~~2002~~ edition, Standard for Parking Structures
NFPA 90A-~~2009~~ ~~2002~~ edition, Standard for the Installation of Air-Conditioning and Ventilating Systems
NFPA 90B-~~2009~~ ~~2006~~ edition, Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 91-2004 edition, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
NFPA 92A-~~2009~~ ~~2006~~ edition, Standard for Smoke-Control Systems Utilizing Barriers and Pressure Differences
NFPA 92B-~~2009~~ ~~2005~~ edition, Standard for Smoke Management Systems in Malls, Atria, and Large Spaces
NFPA 96-~~2008~~ ~~2004~~ edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. Section 10.2.3 ~~Subdivision 10-2.3~~ of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
NFPA 99-2005 edition, Standard for Health Care Facilities

- NFPA 99B-~~2010~~ 2005 edition, Standard for Hypobaric Facilities
- NFPA 101A-~~2007~~ 2004 edition, Guide on Alternative Approaches to Life Safety
- ~~NFPA 101B-2002 edition, Standard on Means of Egress for Buildings and Structures~~
- NFPA 102-~~2006~~ 1995 edition, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
- NFPA 105-~~2007~~ 2003 edition, Standard Recommended Practice for the Installation of Smoke-Control Door Assemblies and Other Opening Protectives
- NFPA 110-2005 edition, Standard for Emergency and Standby Power Systems
- NFPA 111-2005 edition, Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 115-~~2008~~ 2003 edition, Standard for Recommended Practice on Laser Fire Protection
- NFPA 120-2004 edition, Standard for Fire Prevention and Control in Coal Mines
- NFPA 122-2004 edition, Standard for Fire Prevention and Control in Metal/Nonmetal Mining and Metal Mineral Processing Facilities
- NFPA 130-~~2010~~ 2007 edition, Standard for Fixed Guideway Transit and Passenger Rail Systems
- NFPA 140-~~2008~~ 2004 edition, Standard on Motion Picture and Television Production Studio Soundstages, ~~and~~ Approved Production Facilities, and Production Locations
- NFPA 150-2007 edition, Standard on Fire and Life Safety in Animal Housing Facilities
- NFPA 160-2006 edition, Standard for Use of Flame Effects Before an Audience
- NFPA 170-2006 edition, Standard for Fire Safety and Emergency Symbols
- NFPA 204-2007 edition, Standard for Smoke and Heat Venting
- NFPA 211-~~2006~~ 2003 edition, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances
- NFPA 214-~~2011~~ 2005 edition, Standard on Water-Cooling Towers
- NFPA 221-~~2009~~ 2006 edition, Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls
- NFPA 232-~~2007~~ 2000 edition, Standard for the Protection of Records
- ~~NFPA 232A-1995 edition, Guide for Fire Protection for Archives and Record Centers~~
- NFPA 241-2004 edition, Standard for Safeguarding Construction, Alteration and Demolition Operations
- NFPA 251-2006 edition, Standard Methods of Tests of Fire Resistance Endurance of Building Construction and Materials
- NFPA 252-~~2008~~ 2003 edition, Standard Methods of Fire Tests of Door Assemblies
- NFPA 253-2006 edition, Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255-2006 edition, Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256-2003 edition, Standard Methods of Fire Tests of Roof Coverings
- NFPA 257-~~2007~~ 2000 edition, Standard on Fire Tests for Window and Glass Block Assemblies
- NFPA 259-~~2008~~ 2003 edition, Standard Test Method for Potential Heat of Building Materials
- NFPA 260-~~2009~~ 2003 edition, Standard Methods of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261-~~2009~~ 2003 edition, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265-~~2007~~ 2002 edition, Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on full Height Panels and Walls
- ~~NFPA 267-1998 edition, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources~~
- NFPA 271-2004 edition, Standard Method of Test for Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter
- NFPA 286-2006 edition, Standard Methods of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 288-2007 edition, Standard Methods of Fire Tests of Floor Fire Door Assemblies Installed Horizontally in Fire Resistance-Rated Floor Systems
- NFPA 291-2007 edition, Recommended Practice for Fire Flow Testing and Marking of Hydrants
- NFPA 302-2004 edition, Fire Protection Standard for Pleasure and Commercial Motor Craft
- NFPA 303-2006 edition, Fire Protection Standards for Marinas and Boatyards
- NFPA 307-2006 edition, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312-2006 edition, Standard for Fire Protection of Vessels During Construction, Conversion, Repair, and Lay-Up
- NFPA 318-~~2009~~ 2006 edition, Standard for the Protection of Semiconductor Fabrication Facilities
- NFPA 326-2005 edition, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
- NFPA 385-~~2007~~ 2000 edition, Standard for Tank Vehicles for Flammable and Combustible Liquids
- NFPA 407-~~2007~~ 2004 edition, Standard for Aircraft Fuel Servicing
- NFPA 409-2004 edition, Standard on Aircraft Hangars
- NFPA 410-2004 edition, Standard on Aircraft Maintenance

NFPA 415-~~2008~~ ~~2002~~ edition, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
 NFPA 418-~~2006~~ ~~2004~~ edition, Standard for Helicopters
 NFPA 430-2004 edition, Code for the Storage of Liquid and Solid Oxidizers
 NFPA 432-2002 edition, Code for the Storage of Organic Peroxide Formulations
 NFPA 434-2002 edition, Code for the Storage of Pesticides
 NFPA 484-~~2009~~ ~~2006~~ edition, Standard for Combustible Metals
 NFPA 490-2002 edition, Code for the Storage of Ammonium Nitrate
 NFPA 495-2006 edition, Explosive Materials Code
 NFPA 498-2006 edition, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
 NFPA 501-2005 edition, Standard on Manufactured Housing
 NFPA 501A-2005 edition, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities
 NFPA 502-~~2011~~ ~~2008~~ edition, Standard for Road Tunnels, Bridges, and Other Limited Access Roadways
 NFPA 505-2006 edition, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
NFPA 560-2007 edition, Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
NFPA 601-2005 edition, Standard for Security Services in Fire Loss Prevention
 NFPA 654-2006 edition, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
 NFPA 655-~~2007~~ ~~2004~~ edition, Standard for Prevention of Sulfur Fires and Explosions
 NFPA 664-~~2007~~ ~~2002~~ edition, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
 NFPA 701-2004 edition, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
 NFPA 703-~~2009~~ ~~2006~~ edition, Standard for Fire Retardant-Treated Wood and Fire- Retardant Coatings for Building Materials
 NFPA 704-~~2007~~ ~~2004~~ edition, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response
 NFPA 750-2006 edition, Standard on Water Mist Fire Protection Systems
 NFPA 780-~~2011~~ ~~2004~~ edition, Standard for the Installation of Lightning Protection Systems
 NFPA 820-~~2008~~ ~~2003~~ edition, Standard for Fire Protection in Wastewater Treatment and Collection Facilities
 NFPA 850-~~2010~~ ~~2005~~ edition, Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

NFPA 909-2005 edition, ~~Code Standard~~ for the Protection of Cultural Resources Properties – Museums, Libraries, and Places of Worship
NFPA 914-2007 edition, Code for Fire Protection of Historic Structures
 NFPA 1122-~~2008~~ ~~2002~~ edition, Code for Model Rocketry
 NFPA 1123-2006 edition, Code for Fireworks Display
 NFPA 1124-2006 edition, Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles
 NFPA 1125-~~2007~~ ~~2004~~ edition, Code for the Manufacture of Model Rocket and High Power Rocket Motors
 NFPA 1126-2006 edition, Standard for the Use of Pyrotechnics Before a Proximate Audience
 NFPA 1127-~~2008~~ ~~2002~~ edition, Code for High Power Rocketry
 NFPA 1142-~~2007~~ ~~2004~~ edition, Standard for Water Supplies ~~on for~~ Suburban and Rural Fire Fighting
NFPA 1144-2008 edition, Standard for Reducing Structure Ignition Hazards from Wildland Fire
NFPA 1192-2008 edition, Standard on Recreational Vehicles
 NFPA 1194-~~2008~~ ~~2005~~ edition, Standard for Recreational Vehicle Parks and Campgrounds
 NFPA 1221-~~2010~~ ~~2007~~ edition, Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
 NFPA 1561-~~2008~~ ~~2005~~ edition, Standard on Emergency Services Incident Management System
NFPA 1600-2007 edition, Standard on Disaster/Emergency Management and Business Continuity Programs
 NFPA 1962-~~2008~~ ~~2003~~ edition, Standard for the Inspection, Care, and Use of Fire Hose, ~~including~~ Couplings, and Nozzles; and the Service Testing of Fire Hose
 NFPA 1963-2003 edition, Standards for Fire Hose Connections
 NFPA 2001-~~2008~~ ~~2004~~ edition, Standard on Clean Agent Fire Extinguishing Systems
 The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.
 The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing

of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.

Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders.

Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995.

Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders.

Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition.

(2) through (3) No change.

(4) The codes and standards published by the National Fire Protection Association, including the Florida edition of NFPA 1 and NFPA 101 as adopted in Rule Chapter 69A-60, F.A.C., may be obtained by writing to BNi, 1612 S. Clementine Street, Anaheim, CA 92802. ANSI standards may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, 1430 Broadway, New York, N.Y. 10036-4018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, Three Park Avenue 345 East 47th Street, New York, N.Y. 10016-5990-40017. ASTM standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken 1916 Race Street, Philadelphia, PA 19428-2959-49103. UL standards may be obtained from Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the Third Floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

(5) through (11) No change.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Authority 633.01(1), 633.022, 633.0215, 633.027 FS. Law Implemented 633.01, 633.022, 633.0215, 633.027 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, 5-18-08, 12-31-08, 12-13-09, 12-31-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2009 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2009 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2009 Edition, and NFPA 101, the Florida 2009 Edition, Added to the Florida Fire Prevention Code
69A-60.006	Manufactured and Prototype Buildings

PURPOSE AND EFFECT: To update the Florida Fire Prevention Code to include the most recently adopted National Fire Protection Standards as directed by Section 633.0215, F.S.

SUMMARY: This rule addresses the rules and codes authorized by Section 633.0215, F.S. The rule is amended to adopt the most recent editions of National Fire Protection Standards 1 and 101, the National Fire Protection Standards adopted within the most recent editions of National Fire Protection Standards 1 and 101, and to update National Fire Protection Standards adopted in the rule to the most recently adopted editions. New Florida specific amendments to NFPA 1 and 101 are also adopted, while some, but not all, others carry forward from the original and subsequent rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: July 21, 2011, 10:00 a.m.; July 22, 2011, 10:00 a.m.

PLACE: July 21 – Tacachale Center, 1621 N.E. Waldo Road, Gainesville, Florida

July 22 – Sarasota Police Dept. Building, 2099 Adams Lane, Sarasota, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes at (850)413-3619 or Belinda.Chukes@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342 (850)413-3620 or Jim.Goodloe@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) through (2) No change.

(3)(a) The Florida Fire Prevention Code consists of:

1. National Fire Protection Association (NFPA) 1, the ~~Uniform~~ Fire Code, Florida 2009 ~~2006~~ edition, as adopted in Rule 69A-60.003, F.A.C.,

2. NFPA 101, the Life Safety Code, Florida 2009 ~~2006~~ edition, as adopted and incorporated in Rule 69A-60.004, F.A.C., and their additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2009 ~~2006~~ editions, as provided therein, and

3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.002, Amended 11-28-04, 5-18-08, 12-31-08, 12-31-11.

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the ~~Uniform~~ Fire Code, Florida 2009 ~~2006~~ Edition, Adopted.

(1) NFPA 1, the ~~Uniform~~ Fire Code, Florida 2009 ~~2006~~ edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 1, Florida 2009 ~~2006~~ edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) No change.

(c) NFPA 1, Florida 2009 ~~2006~~ edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.003, Amended 11-28-04, 5-18-08, 12-31-08, 12-31-11.

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2009 ~~2006~~ Edition, Adopted.

(1) NFPA 101, the Life Safety Code, Florida 2009 ~~2006~~ edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 101, Florida 2009 ~~2006~~ edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) No change.

(c) NFPA 101, Florida 2009 ~~2006~~ edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06, 5-18-08, 12-31-08, 12-31-11.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2009 ~~2006~~ Edition, and NFPA 101, the Florida 2009 ~~2006~~ Edition, Added to the Florida Fire Prevention Code.

(1) No change.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

NFPA 10, 2007 2002 edition,	Standard for Portable Fire Extinguishers
NFPA 11, 2005 edition,	Standard for Low, Medium- and High-Expansion Foam
NFPA 11A, 1999 edition,	Standard for Medium- and High-Expansion Foam Systems
NFPA 12, 2008 2005 edition,	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A, 2009 2004 edition,	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13, 2007 2002 edition,	Standard for the Installation of Sprinkler Systems
NFPA 13D, 2007 2002 edition,	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
NFPA 13R, 2007 2002 edition,	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 14, 2007 2003 edition,	Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems
NFPA 15, 2007 2001 edition,	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16, 2007 2003 edition,	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17, 2009 2002 edition,	Standard for Dry Chemical Extinguishing Systems
NFPA 17A, 2009 2002 edition,	Standard for Wet Chemical Extinguishing Systems
NFPA 20, 2007 2003 edition,	Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22, 2008 2003 edition,	Standard for Water Tanks for Private Fire Protection
NFPA 24, 2007 2002 edition,	Standard for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25, 2008 2002 edition,	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30, 2008 2003 edition,	Flammable and Combustible Liquids Code
NFPA 30A, 2008 2003 edition,	Code for Motor Fuel Dispensing Facilities and Repair Charges
NFPA 30B, 2007 2002 edition,	Code for the Manufacture and Storage of Aerosol Products
NFPA 31, 2006 2001 edition,	Standard for the Installation of Oil-Burning Equipment
NFPA 32, 2007 2004 edition,	Standard for Drycleaning Dry-Cleaning Plants
NFPA 33, 2007 2003 edition,	Standard for Spray Application Using Flammable and Combustible Materials
NFPA 34, 2007 2003 edition,	Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 35, 2005 edition,	Standard for the Manufacture of Organic Coatings
NFPA 36, 2004 edition,	Standard for Solvent Extraction Plants
NFPA 37, 2006 2002 edition,	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 40, 2007 2001 edition,	Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film
NFPA 45, 2004 edition,	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 50, 2001 edition,	Standard for Bulk Oxygen Systems at Consumer Sites
NFPA 50B, 1999 edition,	Standard for Liquefied Hydrogen Systems at Consumer Sites
NFPA 51, 2007 2002 edition,	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
NFPA 51A, 2006 2001 edition,	Standard for Acetylene Cylinder Charging Plants
NFPA 51B, 2009 2003 edition,	Standard for Fire Prevention During Welding, Cutting and Other Hot Work
NFPA 52, 2006 edition,	Vehicular Fuel Systems Code
NFPA 53, 2011 2004 edition,	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA 54, 2009 2006 edition,	National Fuel Gas Code
NFPA 55, 2005 edition,	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks
NFPA 57, 2002 edition,	Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code
NFPA 58, 2008 2004 edition,	Liquefied Petroleum Gas Code
NFPA 59, 2008 2004 edition,	Utility LP-Gas Plant Code
NFPA 59A, 2009 2006 edition,	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
NFPA 61, 2008 2002 edition,	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
NFPA 68, 2007 edition,	<u>Standard on Explosion Protection by Deflagration Venting</u>
NFPA 69, 2008 2002 edition,	Standard on Explosion Prevention Systems
NFPA 70, 2008 2005 edition,	National Electrical Code®
NFPA 72, 2007 2002 edition,	National Fire Alarm Code®
NFPA 75, 2009 2003 edition,	Protection of Information Technology Equipment
NFPA 80, 2007 1999 edition,	Standard for Fire Doors and Other Opening Protectives Fire Windows
NFPA 80A, 2007 edition,	Recommended Practice for Protection of Buildings from Exterior Fire Exposures
NFPA 82, 2004 edition,	Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 85, 2007 edition,	Boiler and Combustion Systems Hazards Code
NFPA 86, 2007 2003 edition,	Standard for Ovens and Furnaces
NFPA 86C, 1999 edition,	Standard for Industrial Furnaces Using a Special Processing Atmosphere

NFPA 86D, 1999 edition,	Standard for Industrial Furnaces Using Vacuum as an Atmosphere
NFPA 88A, 2007 2002 edition,	Standard for Parking Structures
NFPA 90A, 2009 2002 edition,	Standard for the Installation of Air-Conditioning and Ventilating Systems
NFPA 90B, 2009 2006 edition,	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 91, 2004 edition,	Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
NFPA 92A, 2009 2006 edition,	Standard for Smoke-Control Systems Utilizing Barriers and Pressure Differences
NFPA 92B, 2009 2005 edition,	Standard for Smoke Management Systems in Malls, Atria, and Large Spaces
NFPA 96, 2008 2004 edition,	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. <u>Section 10.2.3 Subdivision 10.2.3</u> of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
NFPA 99, 2005 edition,	Standard for Health Care Facilities
NFPA 99B, 2010 2005 edition,	Standard for Hypobaric Facilities
NFPA 101A, 2007 2004 edition,	Guide on Alternative Approaches to Life Safety
NFPA 101B, 2002 edition,	Standard on Means of Egress for Buildings and Structures
NFPA 102, 2006 1995 edition,	Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
NFPA 105, 2007 2003 edition,	Standard for the Installation of Smoke-Control Door Assemblies <u>and Other Opening Protectives</u>
NFPA 110, 2005 edition,	Standard for Emergency and Standby Power Systems
NFPA 111, 2005 edition,	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 115, 2008 2003 edition,	Standard for Laser Fire Protection
NFPA 120, 2004 edition,	Standard for Fire Prevention and Control in Coal Mines
<u>NFPA 122, 2004 edition,</u>	<u>Standard for Fire Prevention and Control in Metal/Nonmetal Mining and Metal Mineral Processing Facilities</u>
NFPA 130, 2010 2007 edition,	Standard for Fixed Guideway Transit and Passenger Rail Systems
NFPA 140, 2008 2004 edition,	Standard on Motion Picture and Television Production Studio Soundstages, and Approved Production Facilities, <u>and Production Locations</u>
NFPA 150, 2007 edition,	Standard on Fire and Life Safety in Animal Housing Facilities
NFPA 160, 2006 edition,	Standard for Use of Flame Effects Before an Audience
<u>NFPA 170, 2006 edition,</u>	<u>Standard for Fire Safety and Emergency Symbols</u>
<u>NFPA 204, 2007 edition,</u>	<u>Standard for Smoke and Heat Venting</u>
NFPA 211, 2006 2003 edition,	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 214, 2011 2005 edition,	Standard on Water Cooling Towers
NFPA 221, 2009 2006 edition,	Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls
NFPA 232, 2007 2000 edition,	Standard for the Protection of Records
NFPA 232A-1995 edition,	Guide for Fire Protection for Archives and Record Centers
NFPA 241, 2004 edition,	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA 251, 2006 edition,	Standard Methods of Tests of Fire Resistance of Building Construction and Materials
NFPA 252, 2008 2003 edition,	Standard Methods of Fire Tests of Door Assemblies
NFPA 253, 2006 edition,	Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
NFPA 255, 2006 edition,	Standard Method of Test of Surface Burning Characteristics of Building Materials
NFPA 256, 2003 edition,	Standard Methods of Fire Tests of Roof Coverings
NFPA 257, 2007 2000 edition,	Standard on Fire Test for Window and Glass Block Assemblies
NFPA 259, 2008 2003 edition,	Standard Test Method for Potential Heat of Building Materials
NFPA 260, 2009 2003 edition,	Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
NFPA 261, 2009 2003 edition,	Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
NFPA 265, 2007 2002 edition,	Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls
NFPA 267, 1998 edition,	Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
<u>NFPA 271, 2004 edition,</u>	<u>Standard Method of Test for Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter</u>
NFPA 286, 2006 edition,	Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
<u>NFPA 288, 2007 edition,</u>	<u>Standard Methods of Fire Tests of Floor Fire Door Assemblies Installed Horizontally in Fire Resistance-Rated Floor Systems</u>

NFPA 291, 2007 edition, <u>NFPA 302, 2004 edition.</u>	Recommended Practice for Fire Flow Testing and Marking of Hydrants <u>Fire Protection Standard for Pleasure and Commercial Motor Craft</u>
NFPA 303, 2006 edition, NFPA 307, 2006 edition, NFPA 312, 2006 edition,	Fire Protection Standard for Marinas and Boatyards Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves Standard for Fire Protection of Vessels During Construction, <u>Conversion</u> , Repair, and Lay-Up
NFPA 318, <u>2009</u> 2006 edition, <u>NFPA 326, 2005 edition.</u>	Standard for the Protection of Semiconductor Fabrication Facilities <u>Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair</u>
<u>NFPA 385, 2007</u> 2000 edition, NFPA 407, <u>2007</u> 2004 edition, NFPA 409, 2004 edition, NFPA 410, 2004 edition,	Standard for Tank Vehicles for Flammable and Combustible Liquids Standard for Aircraft Fuel Servicing Standard on Aircraft Hangars Standard on Aircraft Maintenance
NFPA 415, <u>2008</u> 2002 edition, NFPA 418, <u>2006</u> 2004 edition, NFPA 430, 2004 edition, NFPA 432, 2002 edition, NFPA 434, 2002 edition, NFPA 484, <u>2009</u> 2006 edition,	Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways Standard for Heliports Code for the Storage of Liquid and Solid Oxidizers Code for the Storage of Organic Peroxide Formulations Code for the Storage of Pesticides Standard for Combustible Metals
NFPA 490, 2002 edition, NFPA 495, 2006 edition, NFPA 498, 2006 edition, NFPA 501, 2005 edition, NFPA 501A, 2005 edition,	Code for the Storage of Ammonium Nitrate Explosive Materials Code Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives Standard on Manufactured Housing Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
NFPA 502, <u>2011</u> 2008 edition, NFPA 505, 2006 edition,	Standard for Road Tunnels, Bridges, and Other Limited Access Roadways Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
<u>NFPA 560, 2007 edition.</u>	<u>Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation</u>
<u>NFPA 601, 2005 edition.</u>	<u>Standard for Security Services in Fire Loss Prevention</u>
NFPA 654, 2006 edition,	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 655, <u>2007</u> 2004 edition, NFPA 664, <u>2007</u> 2002 edition,	Standard for Prevention of Sulfur Fires and Explosions Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 701, 2004 edition, NFPA 703, <u>2009</u> 2006 edition,	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films Standard for Fire Retardant-Treated Wood and Fire- Retardant Coatings for Building Materials
NFPA 704, <u>2007</u> 2004 edition, NFPA 750, 2006 edition, NFPA 780, <u>2011</u> 2004 edition, NFPA 820, <u>2008</u> 2003 edition, NFPA 850, <u>2010</u> 2005 edition,	Standard System for Identification of the Hazards of Materials for Emergency Response Standard on Water Mist Fire Protection Systems Standard for the Installation of Lightning Protection Systems Standard for Fire Protection in Wastewater Treatment and Collection Facilities Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations
NFPA 909, 2005 edition,	<u>Code Standard for the Protection of Cultural Resource Properties – Museums, Libraries, and Places of Worship</u>
<u>NFPA 914, 2007 edition.</u>	<u>Code for Fire Protection of Historic Structures</u>
NFPA 1122, <u>2008</u> 2002 edition, NFPA 1123, 2006 edition, NFPA 1124, 2006 edition,	Code for Model Rocketry Code for Fireworks Display Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks; and Pyrotechnic Articles
NFPA 1125, <u>2007</u> 2004 edition, NFPA 1126, 2006 edition, NFPA 1127, <u>2008</u> 2002 edition, NFPA 1142, <u>2007</u> 2004 edition, <u>NFPA 1144, 2008 edition.</u> <u>NFPA 1192, 2008 edition.</u>	Code for the Manufacture of Model Rocket and High Power Rocket Motors Standard for the Use of Pyrotechnics before a Proximate Audience Code for High Powered Rocketry Standard on Water Supplies for Suburban and Rural Fire Fighting <u>Standard for Reducing Structure Ignition Hazards from Wildland Fire</u> <u>Standard on Recreational Vehicles</u>
NFPA 1194, <u>2008</u> 2005 edition, NFPA 1221, <u>2010</u> 2007 edition,	Standard for Recreational Vehicle Parks and Campgrounds Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
NFPA 1561, <u>2008</u> 2005 edition,	Standard on Emergency Services Incident Management System

NFPA 1600, 2007 edition	<u>Standard on Disaster/Emergency Management and Business Continuity</u>
NFPA 1962, 2008 2003 edition,	Standard for the Inspection, Care, and the Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose
NFPA 1963, 2003 edition,	Standard for Fire Hose Connections
NFPA 2001, 2008 2004 edition,	Standard on Clean Agent Fire Extinguishing Systems

Such portions of “The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” which pertain to meeting firesafety requirements without destroying the historical aspects of the building

SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition

The portions of ANSI A14.3-2002, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 25 West 43rd Street, 4th Floor ~~41 West 42nd Street~~, New York, NY 10036

Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 25 West 43rd Street, 4th Floor ~~41 West 42nd Street~~, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 25 West 43rd Street, 4th Floor ~~41 West 42nd Street~~, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-2002, Safety Code for Existing Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 2001 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

ANSI/BHMA A-156.19-2002, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.005, Amended 11-28-04, 5-18-08, 12-31-08, 12-31-11.

69A-60.006 Manufactured and Prototype Buildings.

(1) through (5) No change.

(6) A reliable power source for an electrically driven fire pump shall include, but not be limited to, a public utility supplying electrical power to a municipality, county, special district or portion thereof.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Amended 9-8-02, Formerly 4A-60.006, Repromulgated 11-28-04, Amended 12-31-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-215.235
RULE TITLE: Use of Designations

PURPOSE AND EFFECT: The purpose of the proposed rule development is to extend guidance and set forth standards in the use of professional designations or certifications by licensees engaged in the marketing and sale of insurance products. The proposed rule clarifies that lawful designations must be granted only by recognized organizations that maintain published standards and procedures that assure the ongoing competency and ethical conduct of members or conferees. The proposed rule prohibits any use of self-conferred or baseless designations by licensees engaged in the marketing of insurance products. The proposed rule is designed to protect consumers from deceptive trade practices by licensees who claim, or falsely imply, certain levels of expertise or credentials that could reasonably lead consumers to place unwarranted confidence in the quality, accuracy, or veracity of their statements.

SUMMARY: The proposed rule provides guidelines and standards regarding the use by licensees of recognized designations in the marketing and sale of insurance products. The proposed rule prohibits licensees from the use of baseless or self-conferred designations in order to protect consumers from deceptive trade practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 626.9611(1) FS.

LAW IMPLEMENTED: 626.9541(1)(ff) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, July 26, 2011, 11:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brinkley, (850)413-5654 or Richard.Brinkley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-215.235 Use of Designations.

(1) The purpose of this rule is to set forth standards to protect consumers from dishonest, deceptive, misleading, and fraudulent trade practices with respect to the use of certifications and professional designations in the marketing, solicitation, negotiation, sale or advice made in connection with an insurance transaction by any licensee.

(2) The department does NOT endorse any professional designation.

(3) For purposes of this rule:

(a) A designation is any combination of words (or an acronym standing for a combination of words) that indicates or implies that a licensee has special knowledge or training in advising or servicing consumers beyond the knowledge or training required for the license held.

(b) A certification is any designation that indicates, implies or recognizes that an individual or organization meets certain established criteria beyond the criteria required for the license held.

(4) A designation may not be lawfully used under the Insurance Code unless the designation is obtained from an organization that has published standards and procedures for assuring the competency of its certificants or designees on specific subject matters at the time of the designation's conferment, which standards and procedures are continually utilized by the organization and updated as appropriate.

(5) The organization or entity conferring the designation must specify the exact terminology, combination of words and/or acronym to be used by the designee.

(6) The prohibited use of any designation includes, but is not limited to, the following:

(a) Use of a designation by a person who has not actually earned or is otherwise ineligible to use such designation:

(b) Use of a nonexistent or self-conferred designation:

(c) Use of a designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the designation does not have, or

(d) Use of any designation not obtained in compliance with subsection (4), above.

Rulemaking Authority 626.9611(1) FS. Law Implemented 626.9541(1)(ff) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-23.003
 RULE TITLE: Renewal of direct disposer licenses
 PURPOSE AND EFFECT: To establish procedures, forms, and a schedule for biennial renewal of direct disposer licenses. This is mandatory rulemaking pursuant to changes made to Section 497.603(2), F.S., by s. 27 of Chapter 2010-125, Laws of Florida. This proposed rule was reviewed and approved by the Board of Funeral, Cemetery and Consumer Services at its meeting on January 6, 2011.

SUMMARY: Provides procedures, forms, and a schedule for biennial renewal of direct disposer licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 497.103(5); 497.603(2) FS.

LAW IMPLEMENTED: 497.603(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 13, 2011, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or by email at LaTonya.Bryant-Parker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-23.003 Renewal of direct disposer licenses.

(1) Direct disposer licenses shall expire at 11:59 p.m. on August 31 of every odd-numbered calendar year.

(2) Renewal fees for direct disposers shall be as specified in Rule 69K-17.0030, F.A.C. In addition, the unlicensed activity fee in the amount of \$5.00, required under Section 497.140(6), Florida Statutes, shall be remitted by the licensee with each renewal fee.

(3) At least 90 days prior to the expiration date of the direct disposer license, the Division of Funeral, Cemetery, and Consumer Services shall mail each direct disposer holding a valid direct disposer license, a license renewal notice, to the licensee's preferred mailing address as shown in the Division's records. A direct disposer shall renew his/her license by returning the license renewal notice to the Division at the address stated on the invoice, with the applicable renewal and unlicensed activity fees, prior to the expiration date of the license.

Rulemaking Authority 497.103(5)(a), 497.603(2) FS. Law Implemented 497.603, 497.140(6) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, as Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Section 497.101, F.S.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.021
 RULE TITLE: Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption

PURPOSE AND EFFECT: The proposed rule deletes discontinued class codes, adds new class codes and revises descriptions of construction class codes, as published in the Florida exception pages in the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual, 2001 edition. The proposed rule also adopts the corresponding definitions published in the NCCI, Scopes[®] of Basic Manual Classifications (February, 2011) and defines when an employer is engaged in the construction industry, for purposes of this rule. The aforementioned materials include updates through February 1, 2011. The effect of the proposed rule is to incorporate and maintain accurate construction class codes, descriptions and definitions for purposes of determining the necessary coverage requirements when obtaining workers' compensation insurance.

SUMMARY: Adopts the updated and revised descriptions of construction class codes as published in the Florida exception pages in the NCCI, Basic Manual; and the corresponding definitions published in the NCCI, Scopes[®] of Basic Manual Classifications; also defines when an employer is engaged in the construction industry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No economic or non-economic impact will occur as a result of the proposed rule.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

- (a) 0042 Landscape Gardening and Drivers
- (b) 0050 Farm Machinery Operation By Contractor and Drivers
- (c) 1322 Oil or Gas – Well – ÷ Cleaning or Swabbing of ~~Old~~ Wells – By Specialist Contractor – Having Previously Produced Gas or Oil By Contractor No Drilling & Drivers
- (d) 2799 Manufactured, Modular or Prefabricated Home Setup, Hookup, or Installation at Building Site
- (e)(+) 3365 Welding or Cutting NOC and Drivers
- (f)(e) 3719 Oil Still Erection or Repair
- (g)(f) 3724 Machinery or Equipment Erection or Repair NOC and Drivers
- (h)(g) 3726 Boiler Installation or Repair – Steam
- (i)(h) 5020 Ceiling Installation – Suspended Acoustical Grid Type
- (j)(+) 5022 Masonry NOC
- (k)(+) 5037 Painting: Metal Structures Over Two Stories in Height and Drivers

RULEMAKING AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, July 19, 2011, 1:30 p.m.

PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)-413-1775 or Robin.Delaney@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption.

(1) The Division adopts the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (2001 ~~October 2005~~ ed.); including updates through January 1, 2011. For convenience, the Division lists here the classification codes and descriptions that are published in the Florida exception pages of the Basic Manual and adopted in this rule.

(2) For purposes of this rule, an employer is engaged in the construction industry when any portion of the employer's business operations is described in the construction industry classification codes that are adopted in this rule.

(l)(k)	5040	Iron or Steel: Erection -Frame Structures
(m)(l)	5057	Iron or Steel: Erection NOC
(n)(m)	5059	Iron or Steel: Erection -Frame Structures Not Over Two Stories in Height
(o)(n)	5069	Iron or Steel: Erection Construction of Dwellings Not Over Two Stories in Height
(p)(o)	5102	<u>Door, and Window Installation – All Types – Residential and Commercial Door Frame or Sash Erection – Metal or Metal Covered</u>
(q)(p)	5146	Furniture or Fixtures Installation – Portable – NOC
(r)(q)	5160	Elevator Erection or Repair
(s)(r)	5183	Plumbing NOC and Drivers
(t)(s)	5188	Automatic Sprinkler Installation and Drivers
(u)(t)	5190	Electrical Wiring Within Buildings and Drivers
(v)(u)	5213	Concrete Construction NOC
(w)(v)	5215	Concrete Work Incidental to the Construction of Private Residence
(x)(w)	5221	Concrete or Cement Work – Floors, Driveways, Yards, and <u>or Sidewalks</u> and Drivers (N/A MA)
(y)(x)	5222	Concrete Construction in Connection with Bridges or Culverts
(z)(y)	5223	Swimming Pool Construction, <u>Installation, or Repair</u> – Not Iron or Steel & Drivers
(aa)(z)	5348	<u>Ceramic Tile, Indoor Stone, Marble, or Mosaic Work Stone, Mosaic or Terrazzo or Ceramic Tile Work Inside</u>
(bb)(aa)	5402	Hothouse Erection All Operations
(cc)(bb)	5403	Carpentry – NOC
(dd)(cc)	5437	Carpentry – Installation of Cabinet Work or Interior Trim
(ee)(dd)	5443	Lathing and Drivers
(ff)(ee)	5445	Wallboard Installation Within Buildings and Drivers
(gg)(ff)	5462	Glazier Away From Shop and Drivers
(hh)(gg)	5472	<u>Asbestos Removal Operations: Contractor – Pipe and Boiler Work Exclusively & Drivers</u> Asbestos Contractor – Pipe and Boiler Work Exclusively and Drivers
(ii)(hh)	5473	<u>Asbestos Removal Operations: Contractor – NOC and Drivers</u> Asbestos Contractor – NOC and Drivers
(jj)(ii)	5474	Painting or Paperhanging NOC <u>& and Shop Operations, Drivers</u>
(kk)(jj)	5478	<u>Floor Covering Installation – Resilient Flooring – Carpet and Laminate Flooring Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Tile Installation</u>
(ll)(kk)	5479	Insulation Work NOC and Drivers
(mm)(ll)	5480	Plastering NOC and Drivers
(nn)(mm)	5491	Paperhanging and Drivers
(oo)(nn)	5506	Street or Road Construction: Paving or Repaving and Drivers
(pp)(oo)	5507	Street or Road Construction: Subsurface Work and Drivers
(qq)(pp)	5508	Street or Road Construction: Rock Excavation and Drivers
(rr)(qq)	5509	Street or Road Maintenance or Beautification & Drivers
(ss)	5535	<u>Sheet Metal Work – Installation & Drivers</u>
(tt)(rr)	5537	Heating, Ventilation, Air-Conditioning and Refrigeration Systems Installations, Service and Repair, <u>Shop, Yard</u> & Drivers
(ss)	5538	Sheet Metal Work – Shop and Outside – NOC and Drivers
(uu)(tt)	5551	Roofing – All Kinds and Yard Employees, Drivers
(vv)(uu)	5606	<u>Contractor – Project Manager, Construction Executive, Construction Manager or Construction Superintendent Executive Supervisor or Construction Superintendent</u>
(ww)(vv)	5610	Cleaner – Debris Removal – <u>Construction Contractor</u>
(xx)(ww)	5613	Cleaner – Debris Removal –Temporary Labor Service
(yy)(xx)	5645	Carpentry – Detached One or Two Family Dwellings
(zz)(yy)	5651	Carpentry – Dwellings –Three Stories or Less
(aaa)(zz)	5703	Building Raising or Moving and Drivers
(bbb)(aaa)	5705	Salvage Operation – No Wrecking or Any Structural Operations
(ccc)(bbb)	6004	Land Pile Driving
(ddd)(ccc)	6006F	Marine Pile Driving, Dock & Seawall, Jetty or Breakwater, Dike or Revetment Construction – All Operations to Completion & Drivers
(eee)(ddd)	6017	Dam or Lock Construction: Concrete Work – All Operations
(fff)(eee)	6018	Dam or Lock Construction: Earth Moving or Placing – All Operations <u>and Drivers</u>
(ggg)(fff)	6045	Levee Construction – All Operations to Completion and Drivers
(hhh)(ggg)	6204	Drilling NOC and Drivers
(iii)(hhh)	6206	Oil or Gas Well: Cementing and Drivers
(jjj)(iii)	6213	Oil or Gas = Well; = Specialty Tool <u>& Equipment Leasing Operation</u> NOC – By Contractor – All Employees <u>& and Drivers</u>
(kkk)(jjj)	6214	Oil or Gas Well: Perforating of Casing – All Employees and Drivers
(lll)(kkk)	6216	Oil or Gas = Lease Work NOC – By <u>Specialist Contractor</u> <u>& and Drivers</u>

(mmm)(HH)	6217	Excavation and Drivers <u>NOC</u>
(nnn)(mmm)	6229	Irrigation or Draining System Construction & Drivers
(ooo)(mm)	6233	Oil or Gas Pipeline Construction & Drivers
(ppp)(ooo)	6235	Oil or Gas Well: Drilling or Redrilling & Drivers
(qqq)(ppp)	6236	Oil or Gas Well: Installation or Recovery of Casing & Drivers
(rrr)(qqq)	6237	Oil or Gas Well: Instrument Logging or Survey Work and Drivers
(sss)(rrr)	6251	Tunneling – Not Pneumatic -All Operations
(ttt)(sss)	6252	Shaft Sinking – All Operations
(uuu)(ttt)	6260	Tunneling – Pneumatic – All Operations
(vvv)(uuu)	6306	Sewer Construction – All Operations and Drivers
(www)(vvv)	6319	Gas Main or Connection Construction and Drivers
(xxx)(www)	6325	Conduit Construction – For Cable or Wires – & Drivers
(yyy)(xxx)	6400	Fence <u>Installation and Repair</u> Erection – Metal, Vinyl, Wood or Prefabricated Concrete Panel <u>Fence Installed By Hand</u>
(zzz)(yyy)	7538	Electric Light or Power Line Construction & Drivers
(zzz)	7601	Telephone, Telegraph or Fire Alarm Line Construction and Drivers
(aaaa)	7605	Burglar and Fire Alarm Installation or Repair <u>&</u> Drivers
(bbbb)	7611	Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
(eeee)	7612	Telephone or Cable TV Line Installation – Contractors, Overhead and Drivers
(dddd)	7613	Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
(bbbb)(eeee)	7855	Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way by Contractor – No Work on Elevated Railroads – & Drivers
(cccc)(ffff)	8227	Construction or Erection Permanent Yard
(ddd)(egge)	9534	Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers
(eeee)(hhh)	9554	Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

(3) The Division adopts the definitions published by NCCI, SCOPES® of Basic Manual Classifications (February October, 2011 2005), including updates through February 1, 2011, that correspond to the classification codes and descriptions adopted in subsection (1) above. The definitions identify the workplace operations that satisfy the criteria of the term “construction industry” as used in the workers’ compensation law. The definitions are hereby incorporated by reference and can be obtained by writing to the Division of Workers’ Compensation, Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228.

Rulemaking Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8) FS. History–New 10-21-02, Formerly 4L-6.021, Amended 7-4-04, 3-15-06, 2-8-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Delaney, Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-1.006	Definitions
5H-1.007	Content of Dealers Records
5H-1.008	Guidelines for Imposing Administrative Penalties
5H-1.009	Documents Incorporated by Reference

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. 37, No. 10, March 11, 2011 issue of the Florida Administrative Weekly.

5H-1.006 Definitions.

For the purpose of this chapter, the definitions in Section 604.15, Florida Statutes, and the following shall apply.

Tropical Foliage means any ~~kind of~~ herbaceous plant plants originally from tropical climates, that is are grown and sold as potted plants, cut foliage, or interiorscapes, interiorscape primarily for their indoor the decorative value of their leaves. Excluded from this definition are woody temperate zone plants, such as trees, shrubs or woody vines.