

or by contacting Bob Vincent, Environmental Administrator, DOH, 4052 Bald Cypress Way, Tallahassee 32399-1742, telephone (850)245-4240

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.009
 RULE TITLE: Delegations of Authority to the Executive Director

PURPOSE AND EFFECT: The purpose of rule development is to update the rule and to clarify the delegations of authority from the Commission to the Executive Director, which are incorporated by reference into the rule. A draft revision is to be reviewed by the Commission at its June 11-12, 2008 meeting in Dania Beach, Florida. Final public hearing on any amendments to the delegation rule or its incorporated materials will be in September, 2008. The effect of this rule development effort is to maintain transparency with respect to Commission operation.

SUBJECT AREA TO BE ADDRESSED: The rule development will address the Commission’s delegations of authority to the Executive Director.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

5E-14.110 Fumigation Requirements – Notices
 5E-14.111 Fumigation Requirements – Application; Restrictions and Precautions
 5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities
 5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications

PURPOSE AND EFFECT: To clarify the definition of a “connected structure” and delineate requirements for structural connections which have not previously been provided in rule for fumigation pest control, alert consumers to the possibility that fumigations may be performed by a subcontracted company; appropriately address the need to provide the department prior notice of a fumigation as well as set forth new requirements for emergency information required on fumigation signage; provide fumigator’s the option of using the chloropicrin warning agent at label prescribed rates; and require records be maintained with respect to cylinder usage as part of the overall fumigation record keeping.

SUMMARY: The purpose of the rule amendment is to clarify the definition of a “connected structure” and delineate requirements for structural connections which have not previously been provided in rule for fumigation pest control, alert consumers to the possibility that fumigations may be performed by a subcontracted company; appropriately address the need to provide the department prior notice of a fumigation as well as set forth new requirements for emergency information required on fumigation signage; provide fumigator’s the option of using the chloropicrin warning agent at label prescribed rates; and require records be maintained with respect to cylinder usage as part of the overall fumigation record keeping.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051, 482.051(3), 482.051(4), 482.152, 482.241, 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS.

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

DATE AND TIME: May 2, 2008, 9:00 a.m.

PLACE: Broward Extension Office, 3245 College Avenue, Davie, Florida 33314

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-14.102
 5E-14.105
 RULE TITLES: Definitions
 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.102 Definitions.

(1) through (16) No change.

(17) "Connected Structure" is defined as any structure physically connected with the structure to be fumigated by construction elements (e.g. pipes, conduits, ducts, etc.) which may allow transfer of fumigant between the structures.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, _____.

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) through (8) No change.

(9) A licensee acting as a primary contractor with the intent of subcontracting the actual performance of the work to another licensee shall obtain a signed statement from the customer acknowledging that the performance of the work may be assigned to another licensee other than the primary contractor. This statement may be part of the contract itself or attached to the contract as a separate document.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03, 6-1-06, _____.

5E-14.110 Fumigation Requirement – Notices.

Each licensee, before performing general fumigation, shall in advance notify in writing the department inspector having jurisdiction over the location where the fumigation operation is to be performed. Notification shall be made on DACS Form 13667, rev. 01/08. Such notices shall be received by the department inspector at least twenty four (24) hours in advance of the fumigation period. The notice shall state the following:

(1) through (2) No change.

(3) Name of certified operator in charge and/or his designated certified operator(s) and special fumigation identification card holder(s) together with his day and night telephone numbers.

(4) (Location (address) and type of structure (residential, commercial, multi-unit, single family/business or other) to be fumigated.

(5) Date of and, as nearly as possible, the approximate time of release of fumigant, (minimum of a.m. or p.m.), and approximate length of fumigation period. Any change(s) in information required in written notices by this regulation shall be reported in writing in advance of the fumigation period.

Specific Authority 482.051 FS. Law Implemented 482.051(4) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.110, Amended 7-5-95, _____.

5E-14.111 Fumigation Requirements – Application; Restrictions and Precautions.

(2) Neither the structure nor enclosed space to be fumigated nor any part or parts thereof shall be occupied by persons during the fumigation period. In addition, structures or enclosed spaces which are physically connected ~~joined to or in contact~~ with the structure to be fumigated shall not be occupied by persons during the fumigation period. (See subsections 5E-14.111(3) and (4), F.A.C.) ~~This requirement may be waived in the fumigation of commodities in industrial areas when it is determined upon prior inspection by the certified operator in charge that no danger to human life or health exists.~~

~~(3)(a) In the event one or more structures in a row of physically joined structures is to be fumigated, at least one additional complete building structure next to and on both sides of the structure to be fumigated must be vacated, provided there are no common drains, air ducts, conduits, attics or other means permitting escape or passage of the fumigant from the structure to be fumigated into the additional vacated building(s). If there are common means permitting passage of the fumigant into the additional vacated building(s) then one more building must be vacated and so on. If this set of conditions cannot be met, the entire row of structures must be vacated or the fumigation shall not be carried out.~~

(3) In the event one or more units in a multi-unit structure (see subsection 5E-14.102(9), F.A.C.) are to be fumigated, the entire multi-unit structure must be vacated prior to fumigation and individually tested for clearance in accordance with label instructions following fumigation. If these requirements cannot be met, the fumigation shall not be performed.

(4) It shall be the duty of the certified operator in charge or his designated special fumigation identification card holder to be present and personally to make a careful examination of all parts of the structure to be fumigated, including locked rooms, compartments, closets, enclosed spaces and any connected structures, ~~physically joined to or in contact with said structure~~ to verify that no persons have remained therein.

(5) No change.

(6) When fumigating structures with methyl bromide, sulfuryl fluoride or any other relatively odorless gas, technical chloropicrin shall be used separately as a warning agent immediately prior to release of the relatively odorless gas at the rate of not less than one fluid ounce per 15,000 cubic feet of space to be fumigated or as otherwise directed by fumigant

label. Registered label mixtures of at least one-fourth of one percent chloropicrin by net weight analysis may be used in lieu of the above.

Exceptions: This section shall not apply to the fumigation of common carriers (trucks, box cars, refrigerator cars), the fumigation of tobacco warehouses and factories, the fumigation in tanks, vaults, or chambers, or the fumigation of commodities in industrial areas when it has been determined by prior inspection by the certified operator in charge that no danger to human life or health exists unless required by the fumigant label.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.111, Amended 8-11-93,_____.

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(1) through (2) No change.

(3) Warning signs shall conform in design and information set forth as follows:

(Skull and Crossbones Symbol)	DANGER FUMIGATING WITH (Accepted common name of Fumigant DEADLY POISON ALL PERSONS ARE WARNED TO Keep away	(Skull and Crossbones Symbol)
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Date and time fumigant was injected _____
 Company Name _____
 Company Business Address _____
 Certified Operator in Charge _____
 (or designated Spec. Fum. Iden. Card Holder)
 Fumigant Injected by _____
 Day Telephone _____
 Night Telephone _____

(4) through (7) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History–New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended 4-17-03,_____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records: Pest Control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places

of application of restricted-use pesticides. Licensees operating in the category of fumigation shall record this information by individual fumigant cylinder identification number.

(2) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael J. Page

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.117	Application for Examination for Pest Control Operator’s Certificate and Special Identification Card
5E-14.1421	Identification Card – Training Verification

PURPOSE AND EFFECT: To increase the number of supervised jobs necessary to qualify for the certified operators examination and clarify the requirements for verification of identification card training. The Department’s purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUMMARY: The purpose of the rule amendment is to increase the number of supervised jobs necessary to qualify for the certified operators examination and clarify the requirements for verification of identification card training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.132, 482.091 FS.

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

DATE AND TIME: April 30, 2008, 10:00 a.m.

PLACE: Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703; (407)884-2034

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card.

(1) Application for examination shall be on Forms DACS 13627 Rev. 03/08, 13607 Rev. 01/08, and 13653 Rev. 03/08, Rev. 3/02, which are incorporated by reference and obtained from the Department and shall also include a passport type and quality, full-face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

(2) through (9) No change.

(10) The applicant for examination shall have participated in within this state, and under the supervision of a certified operator, a minimum of 15 jobs; except that after January 12, 2009, the applicant must have participated in a minimum 45 pesticide applications; in each category in which the applicant seeks certification, The applicant shall submit as part of the application, and on forms provided, a statement from the said supervising certified operator that the jobs or, after January 12, 2009, pesticide applications have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work. Applicants for the fumigation examination shall submit evidence of having participated in 15 general fumigations (subsection 5E-14.102(4), F.A.C.).

(11) through (17) No change.

Specific Authority 482.051 FS. Law Implemented 482.132 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, _____.

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records for both the initial 5 day (40 hour) training required in Section 482.091(3), F.S., and the continuing training required in Section 482.091(10), F.S., on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period. The training required for Section 482.091(3), F.S., must be conducted by a certified operator or a person under the supervision of the certified operator in charge who has been designated in writing as responsible for training. The training shall be verified by:

(a) Completion of DACS form 13665 Rev. 01/08, which is incorporated by reference, or,

(b) Written record of 40 hours of attendance in a training course with a written course syllabus and copies of all training materials used in the course available for Department inspection.

(2) The Department will accept any one of the following as verifiable training for training required under Section 482.091(10), F.S.:

(a) through (b) No change.

(3) For the purposes of complying with Section 482.091(10) eEach classroom training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. “Pesticide safety” deals with any aspect of pesticide formulation, handling and use. Example topics would include: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. “Integrated pest management” deals with any aspect of pest management. Example topics would include: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. “Applicable federal and state laws and rules” deal with any aspect of government regulation of the pest control industry. Example topics would include: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, F.S., and/or Chapter 5E-14, F.A.C., and reviewing other regulatory agencies or legislative bodies regulations dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051 FS. Law Implemented 482.091 FS. History–New 6-12-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael J. Page

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.142
RULE TITLE: Responsibilities and Duties – Records, Reports, Advertising, Applications

PURPOSE AND EFFECT: To clarify expectations of a Wood-Destroying Organisms Inspection Report to consumers and address the need to better document conditions within a structure with respect to wood-destroying organisms for the

purposes of a real estate transaction and when a fee is charged for the inspection or a written report requested by the consumer.

SUMMARY: The purpose of the rule amendment is to clarify expectations of a Wood-Destroying Organisms Inspection Report to consumers and address the need to better document conditions within a structure with respect to wood-destroying organisms for the purposes of a real estate transaction and when a fee is charged for the inspection or a written report requested by the consumer.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS.

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

DATE AND TIME: May 2, 2008, 9:00 a.m.

PLACE: Broward Extension Office, 3245 College Avenue, Davie, Florida 33314

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) No change.

(2) Reports:

(a) through (b) No change.

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1), (2), (4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, Rev. 01/08 ~~02/04~~, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The

licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., in accordance with the following inspection standards:

(c)1. through (c)3. No change.

(3) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael J. Page

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-19.002	Definitions
5H-19.003	License
5H-19.004	Standards for Organic Food Production
5H-19.006	Certifying Agent; Authority; Duties; Conflict of Interest
5H-19.010	Retail Organics; Notification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal organic farming certification by the Department of Agriculture and Consumer Services/Division of Marketing and Development.

SUMMARY: This rule is being repealed due to statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 504.32 (Supp. 1990), 504.32 (1993) FS.

LAW IMPLEMENTED: 504.23 (1993), 504.28(1), (1993), 504.29(1),(2),(3),(4),(5), 504.31(3) 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: Ms. Kerry Flack, Assistant Division Director, Division of Marketing and Development, 407 S. Calhoun Street, Tallahassee, Florida 32399, (850)488-4031

THE FULL TEXT OF THE PROPOSED RULES IS:

5H-19.002 Definitions.

~~For the purpose of this rule, the definitions in Section 504.23, F.S. (1993), and the following definition shall apply. Production Unit—A tract of land, or body of water, dedicated to agricultural production.~~

~~Specific Authority 504.32 FS. (1993) Law Implemented 504.23 FS. (1993) History—New 10-17-91, Amended 6-4-95, Repealed _____.~~

5H-19.003 License.

~~(1) Application. An individual may apply for a license to be a certifying agent on an Authorized Organic Certifying Agent Application, Form MKOC-001, effective 10-17-91, adopted herein and incorporated by reference. This form may be obtained from the Organic Certification Program, Division of Marketing, Mayo Building, Tallahassee, FL 32399-0800. The form, duly signed, shall include certification by applicant that any farm, processing or production unit for organic foods to be certified will meet or will have met the organic food standards required by Section 504.29, F.S.~~

~~(2) Issuance. Upon receipt of a properly executed application form, and an annual license fee of \$500.00, the department will submit a copy of the application, for recommendation, to the Organic Food Advisory Council. Council members shall have 30 days within which to review and submit recommendations to the Commissioner of Agriculture. Upon approval of the application, the department will issue a license reflecting a registration number for the certifying agent. The license will expire June 30 of each year and a current license is necessary for the certification of foods as organic.~~

~~Specific Authority 504.32 FS. (Supp. 1990). Law Implemented 504.28(1), 504.31(3) FS. (1993). History—New 10-17-91, Amended 6-4-95, Repealed _____.~~

5H-19.004 Standards for Organic Food Production.

~~In meeting the organic food standards of Section 504.29, F.S., a certifying agent shall adhere to the agricultural practices and methods established by OCIA CERTIFICATION STANDARDS (1991) as published by Organic Crop Improvement Association, Inc., or OGBA CERTIFICATION STANDARDS (1991) as published by Organic Growers and Buyers Association, which are adopted herein by reference. Copies of the publications may be obtained from the Organic Certification Program, Room 431, Mayo Building, Tallahassee, FL 32399-0800.~~

~~Specific Authority 504.32 FS. (1993) Law Implemented 504.29(1), (2), (3), (4), (5) FS. (1993) History—New 10-17-91, Repealed _____.~~

~~5H-19.006 Certifying Agent; Authority; Duties; Conflict of Interest.~~

~~(1) After inspecting and verifying that all certification requirements have been met, a licensed Certifying Agent shall certify food as “Organic”.~~

~~(2) The duties of the Certifying Agent shall include those required by Section 504.27, F.S., and the maintenance of records for three years. Upon request, the records will be made available to the department, or its agents.~~

~~(3) A certifying agent as defined herein shall be neither an employee of nor have any financial interest in any farm or production unit to which the agent has been contracted for certification.~~

~~Specific Authority 504.32 FS. (1993). Law Implemented 504.26, 504.29 FS. (1993). History—New 10-17-91, Amended 6-4-95, Repealed _____.~~

5H-19.010 Retail Organics; Notification.

~~(1) Before buying, selling or offering for sale organic food, any handler, distributor or retailer shall notify the department as follows:~~

~~(a) Typewritten on 8-1/2 paper.~~

~~(b) Name of Business.~~

~~(c) Address of Business, including county.~~

~~(d) Phone Number of Business.~~

~~(e) Type of Business.~~

~~(f) Name of Owner, in case of Corporation, Name of President.~~

~~Note: The term “Retailer” used in this rule shall not include food service establishments licensed pursuant to Chapter 509, F.S.~~

~~(2) The above information shall be mailed to the Florida Department of Agriculture and Consumer Services, Organic Certification Program, Mayo Building, Tallahassee, Florida 32399-0800. Upon change of any of the submitted information, an amended copy with changes indicated must be submitted.~~

~~Specific Authority 504.32 FS. Law Implemented 504.28(2) FS. History—New 6-4-95, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Kerry Flack, Assistant Division Director, Division of Marketing and Development, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Kerry Flack, Assistant Division Director, Division of Marketing and Development, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NO.: 20-3.002
 RULE TITLE: Processed Product Report
 PURPOSE AND EFFECT: Amendment changing reporting frequency for Post Estimate Price Report.

SUMMARY: Changing reporting frequency for Post Estimate Price Report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 601.10(1), 601.15(4),(10) FS.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69 FS.

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

DATE AND TIME: May 21, 2008, 10:00 a.m.
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-3.002 Processed Product Report.

(1) through (3) No change.

(4) The Department will review and compile submitted information weekly (or monthly, in the case of by-product information) and publish the Processor's Statistical Report electronically. Commencing October 1, 2007, Department shall compile and publish Post October Estimate Fruit Price Reports for which statistics collection has occurred under this rule, six ~~four~~ times during the citrus season: Upon the early/mid season varieties harvest being 33% complete, 66% complete and 100% complete; Upon the late season varieties harvest being 33% complete, 66% complete and 100% complete on or about January, March, May and July. Weekly statistical reports published prior to October 1, 2007 shall be maintained by the Department and published in their original weekly format.

Specific Authority 601.10(1), (8), 601.15(1), (2), (4), (10), 601.155(7), 601.28(4), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(1), 601.155(7), 601.69 FS. History--New 6-19-00, Amended 9-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0436
 RULE TITLE: Depreciation

PURPOSE AND EFFECT: The purpose of the rule amendment is to reduce the number of paper copies of depreciation studies that electric companies must file with the Commission. Docket No. 080052-OT.

SUMMARY: The rule amendments would decrease the required number of copies of filings in various proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Regulated companies should have no additional costs because of the proposed rule changes with a slight benefit from fewer copies filed. Customers would have no additional costs because of the proposed rule changes. Small businesses regulated by the Public Service Commission would have a slight benefit from fewer copies filed under the rules. Small cities and counties would have no additional costs. Public Service Commission staff would benefit by not having to handle as many copies from a filing and not having to store the copies.

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.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(f), 366.061(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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0436 Depreciation.

(1) through (3) No change.

(4) A utility filing a depreciation study, regardless if a change in rates is being requested or not, shall submit to the Office of Commission Clerk ~~six~~ ~~fifteen~~ copies of the information required by paragraphs (6)(a) through (f) and (h) of this rule and at least three copies of the information required by paragraph (6)(g).

(5) through (10) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(f), 366.06(1) FS. History–New 11-11-82, Amended 1-6-85, Formerly 25-6.436, Amended 4-27-88, 12-12-91, 12-11-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Hewitt, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and Ray Kennedy, Division of Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

PUBLIC SERVICE COMMISSION

RULE NO.: 25-7.045
RULE TITLE: Depreciation

PURPOSE AND EFFECT: The purpose of the rule amendment is to reduce the number of paper copies of depreciation studies that gas companies must file with the Commission. Docket No. 080052-OT.

SUMMARY: The rule amendments would decrease the required number of copies of filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Regulated companies should have no additional costs because of the proposed rule changes with a slight benefit from fewer copies filed. Customers would have no additional costs because of the proposed rule changes. Small businesses regulated by the Public Service Commission would have a slight benefit from fewer copies filed under the rules. Small cities and counties would have no additional costs. Public Service Commission staff would benefit by not having to handle as many copies from a filing and not having to store the copies.

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.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 350.115 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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.045 Depreciation.

(1) through (3) No change.

(4) A utility filing a depreciation study, regardless if a change in rates is being requested or not, shall submit to the Office of Commission Clerk office ~~six~~ ~~fifteen~~ copies of the information required by paragraphs (6)(a) through (f) and (h) of this rule and at least three copies of the information required by paragraph (6)(g).

(5) through (10) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115 FS. History–New 11-11-82, Amended 1-6-85, Formerly 25-7.45, Amended 4-27-88, 12-12-91,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Hewitt, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and Ray Kennedy, Division of Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-24.470	Registration Required
25-24.511	Application for Certificate
25-24.512	Application for Approval of Sale, Assignment or Transfer of Certificate
25-24.567	Application for Certificate
25-24.569	Application for Approval of Assignment or Transfer of Certificate
25-24.720	Application for Certificate
25-24.730	Application for Approval of Sale, Assignment, or Transfer of Certificate
25-24.810	Application for Certificate
25-24.815	Application for Approval of Sale, Assignment or Transfer of Certificate

PURPOSE AND EFFECT: The purpose of the rule amendments is to reduce the number of paper copies that companies must file with the Commission. Docket No. 080052-OT.

SUMMARY: The rule amendments would decrease the required number of copies of filings in various proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Regulated companies should have no additional costs because of the proposed rule changes with a slight benefit from fewer copies filed. Customers would have no additional costs because of the proposed rule changes. Small businesses regulated by the Public Service Commission would have a slight benefit from fewer copies filed under the rules. Small cities and counties would have no additional costs. Public Service Commission staff would benefit by not having to handle as many copies from a filing and not having to store the copies.

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.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.02, 364.04, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.470 Registration Required.

(1) No change.

(2) An original and two (2) ~~three (3)~~ copies of the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of Rule 25-24.485, F.A.C.

(3) The company's contact information shall be provided using Form PSC/CMP 31 (08/05), entitled "IXC Registration Form" which is hereby incorporated into these rules. A copy of the form may be obtained from the Commission's website, at www.floridapsc.com/~/utilities/telecomm/ or by contacting the Commission's Division of Competitive Markets and Enforcement.

(4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History--New 2-23-87, Amended 8-25-05,_____.

25-24.511 Application for Certificate.

(1) No change.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 1/06~~), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(3) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06,_____.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) No change.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (~~xx/xx 1/06~~), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida". The application form may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(4) through (5) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History--New 1-5-87, Amended 5-15-89, 1-5-06,_____.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx 1/06~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 1/06~~), entitled "Application Form for Authority to Provide Shared Tenant Service Within the State of Florida," may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History–New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, 1-5-06_____.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx 1/06~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 1/06~~) is entitled “Application Form for Authority to Provide Shared Tenant Service Within the State of Florida.” The application form may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or by contacting the Commission’s Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History–New 1-28-91, Amended 11-20-91, 7-29-97, 1-5-06_____.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx 1/06~~), entitled “Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida,” which is incorporated into this rule by reference. The form may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or by contacting the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended 1-5-06_____.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 43 (~~xx/xx 1/06~~) (entitled “Application Form

for Authority to Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended 1-5-06_____.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8-T (~~xx/xx 1/06~~), which is incorporated into this rule by reference. Form PSC/CMP 8-T (~~xx/xx 1/06~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 must accompany the filing of each application.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History–New 12-27-95, Amended 1-5-06_____.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8-T (~~xx/xx 1/06~~), which is incorporated into this rule by reference. Form PSC/CMP 8-T (~~xx/xx 1/06~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 must accompany the filing of each application.

(2) An original and one copy ~~two copies~~ of the application shall be filed with the Office of Commission Clerk.

(3) through (5) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History–New 12-27-95, Amended 1-5-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Hewitt, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and Ray Kennedy, Division of Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:
25-30.032 Applications
25-30.140 Depreciation
25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges

PURPOSE AND EFFECT: The purpose of the rule amendments is to reduce the number of paper copies that companies must file with the Commission. Docket No. 080052-OT.

SUMMARY: The rule amendments would decrease the required number of copies of filings in various proceedings and update some filing venues.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Regulated companies should have no additional costs because of the proposed rule changes with a slight benefit from fewer copies filed. Customers would have no additional costs because of the proposed rule changes. Small businesses regulated by the Public Service Commission would have a slight benefit from fewer copies filed under the rules. Small cities and counties would have no additional costs. Public Service Commission staff would benefit by not having to handle as many copies from a filing and not having to store the copies.

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.

SPECIFIC AUTHORITY: 350.127(2), 367.121, 367.101 FS.

LAW IMPLEMENTED: 350.115, 367.031, 367.045, 367.071, 367.081(12), 367.101, 367.121(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 RULES IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

THE FULL TEXT OF THE PROPOSED RULES IS:

25-30.032 Applications.

(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of authorization, amendment to an existing certificate of authorization, transfer, or name change by filing a completed application and six 12 copies, in accordance with either Rule 25-30.033, 25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 25-30.039, F.A.C. However, a utility shall apply for a transfer to a governmental authority by filing a completed application and two copies, in accordance with subsections 25-30.037(3) and (4), F.A.C. The application shall be filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(2) through (3) No change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071, 367.083 FS. History-New 1-27-91, Amended 11-30-93, _____.

25-30.140 Depreciation.

(1) through (6)(a) No change.

(b) A utility filing for such a revision of depreciation rates shall submit six ten copies of the filing to the office of the Office of Commission Clerk.

(c) through (9) No change.

Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 350.115, 367.081(2), 367.121(1) FS. History-New 3-22-84, Formerly 25-10.32, 25-10.032, Amended 11-10-86, 5-8-88, 11-21-95, 12-4-03, _____.

25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges.

(1) Each application for a service availability policy or charges shall be filed in original and six 12 copies.

(2) through (6) No change.

Specific Authority 367.121(1), 367.101 FS. Law Implemented 367.101 FS. History-New 6-14-83, Amended 11-10-86, 11-30-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Hewitt, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and Ray Kennedy, Division of Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-9.034
 RULE TITLE: Reports

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-9.034, Florida Administrative Code, to change the reporting system for abortion clinics.

SUMMARY: The proposed amendments establish an on-line reporting system for the monthly reports required from abortion clinics to the Agency for Health Care Administration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 390.012 FS.

LAW IMPLEMENTED: 390.0112 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: April 29, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conf. Rm. B, Tallahassee, FL 32308

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: Tara E. Ehlers by e-mail at ehlerst@ahca.myflorida.com or by phone at (850)922-0791. 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: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.034 Reports.

Pursuant to ~~Section Chapters 382 and~~ 390.0112, F.S., an abortion clinic must submit a report each month to the ~~Agency, Office of Vital Statistics of the Department of Health,~~ regardless of the number of terminations of pregnancy. Monthly reports must be received by the ~~Agency department~~ within 30 days following the preceding month using the on-line reporting system that may be accessed at: <http://ahca.myflorida.com/ITOP>. "Monthly Report of Induced Terminations of Pregnancy", hereby incorporated by reference,

~~Department of Health, Office of Vital Statistics, Public Health Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or by telephone request at (904)359-6900, extension 1049.~~

Specific Authority 390.012 FS. Law Implemented ~~20.42(2)(a), 382.002, 390.002,~~ 390.011, 390.0112, 390.012 FS. History--New 6-13-90, Formerly 10D-72.034, Amended 8-24-94, 9-25-06,

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey Gregg, Bureau of Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.: 59B-15.001
 59B-15.002
 59B-15.003
 59B-15.004
 59B-15.005
 59B-15.006
 59B-15.007
 RULE TITLES: Purpose
 Definitions
 Exclusions
 Reporting Requirements
 Hospital Contact Information
 Certification
 Administrative Penalties

PURPOSE AND EFFECT: To repeal rules that require submission of Surgical Infection Prevention (SIP) Measures to the Agency for Health Care Administration (Agency).

SUMMARY: The proposed repeal of rules eliminates certain obsolete rules that require hospitals to report Surgical Infection Prevention (SIP) Measures to the Agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 408.061(1)(a), 408.061(1)(e), 408.08(2), 408.08(5), 408.15(11) FS.

LAW IMPLEMENTED: 408.05(3)(1)1. 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: April 28, 2008, 11:00 a.m.

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

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: Carolyn Turner at (850)922-5861. 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: Carolyn Turner at turnerc@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-15.001 Purpose.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.002 Definitions.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.003 Exclusions.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.004 Reporting Requirements.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.005 Hospital Contact Information.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.006 Certification.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

59B-15.007 Administrative Penalties.

Specific Authority 408.061(1)(a), 408.061(1)(e) FS. Law Implemented 408.05(3)(l)1. FS. History–New 11-27-05, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Eastman, Interim Bureau Chief, Florida Center for Health Information and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.032
 RULE TITLE: Certification of Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify certification procedures and qualifications for swimming pool specialty contractors.

SUMMARY: The rule amendment will require a practical examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 455.217, 489.108, 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 455.217, 489.108, 489.113(6), 489.115(4) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.032 Certification of Swimming Pool Specialty Contractors.

(1) through (2) No change.

(3) Certification Procedures.

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

c. Submits affidavit(s) signed by a Florida Licensed registered or certified commercial or residential pool/spa contractor, in good standing, that demonstrates four years of experience in the swimming pool specialty contractor category for which the person applied; ~~and~~

~~d.I. Takes and successfully passes completes a practical written examination for certification in the category of swimming pool specialty contractor; and applied for; or~~

~~e.H. Until January 1, 2009, an applicant who C~~ompletes three (3) hours of board-approved continuing education, consisting of one hour of workplace safety, one hour of business practices, and one hour of workers' compensation; ~~may qualify, if the applicant successfully passes a practical~~

~~examination for certification in the category of swimming pool specialty contractor applied for in lieu of a written examination for licensure.~~

(b) No change.

Specific Authority 455.217, 489.113(6), 489.108, 489.115(4) FS. Law Implemented 455.217, 489.113(6), 489.108, 489.115(4) FS. History—New 1-4-06, Amended 2-11-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.005
RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to address requirements and credit for continuing medical education (CME) with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify required CME for licensure renewal and set forth criteria for receiving CME credit in the area of risk management and for the performance of pro bono services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
 - (a) through (b) No change.

(c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years or documentation that the licensee is certified at the time of renewal by the National Commission on Certification of Physician Assistants. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If not NCCPA certified, requested by the Council, the Physician Assistant must submit a copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence of the 100 hours of reported CME for the relevant biennium.

- (d) through (f) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board before the meeting day begins.
2. The licensee must remain in continuous attendance.
3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Medicine may obtain 10 hours of continuing medical education per biennium in the subject area of risk management for attendance at the disciplinary portion of Board meetings.

(4) Up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

1. The Department of Health;
2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and
3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, F.S., with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

(5) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(3) through (10) renumbered (6) through (13) No change.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04, 2-25-07, 11-11-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-7.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose and effect is to add a fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal, to add a delinquency fee, to adjust the fees in several application and licensing categories and to update existing language.

SUMMARY: A fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal and a delinquency fee are added, the fees in several application and licensing categories are adjusted and existing language is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ ~~\$23~~ is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(b) No change.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ ~~\$23~~ is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(3) through (4) No change.

(5) For application for CNS certification as provided in Section 464.0115, F.S., seventy five dollars (\$75.00).

~~(6)(5)~~ For ARNP registration as a dispensing practitioner pursuant to Section 465.0276, F.S., one hundred dollars (\$100.00).

~~(7)(6)~~ For renewal of RN or LPN license as provided in Section 464.013, F.S., eighty dollars (\$80.00).

~~(8)(7)~~ For renewal of a dual RN/ARNP license certificate, one hundred thirty dollars (\$130.00).

(9) For renewal of a dual RN/CNS license certificate, one hundred fifty five dollars (\$155.00).

~~(10)(8)~~ Pursuant to Section 240.4075(6), F.S., the Department shall collect a five dollar (\$5.00) fee upon initial licensure or renewal of all LPNs, RNs, and dual RN/ARNP licenses for the Student Loan Trust Fund.

~~(11)(9)~~ For application to change from active to inactive status as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(12)(10)~~ For renewal of an inactive license as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(13)(11)~~ For reactivation or change of status of an inactive or delinquent license, as provided in Sections 456.036(8) and 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(14)(12)~~ A delinquent status licensee shall pay a delinquency fee of fifty-five dollars (\$55.00) when the licensee applies for inactive status or for reactivation.

~~(15)(13)~~ The inactive status biennial renewal fee shall be fifty-five dollars (\$55.00).

~~(16)(14)~~ The continuing education provider application and renewal fees shall each be two hundred fifty dollars (\$250.00).

~~(17)(15)~~ The application fee for approval of a nursing program shall be one thousand dollars (\$1,000.00).

~~(18)(16)~~ The biennial renewal fee for certified nursing assistant shall be fifty five ~~twenty~~ dollars (\$55) ~~(\$20)~~ for licensees renewing for two years and eighty dollars (\$80) for licensees renewing for three years, as provided in Section 464.203, F.S. The delinquency fee shall be twenty five dollars (\$25).

~~(19)(17)~~ The initial retired status license fee shall be fifty dollars (\$50.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.0035
RULE TITLE: Physician Assistant Licensure
Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to address requirements and credit for continuing medical education (CME) with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify required CME for licensure renewal and set forth criteria for receiving CME credit in the area of risk management and for the performance of pro bono services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.022(7)(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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (b) No change.

(c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years or documentation that the licensee is certified at the time of renewal by the National Commission on Certification of Physician Assistants. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If not NCCPA certified, if requested by the Council, the Physician Assistant must submit a copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence of the 100 hours of reported CME for the relevant biennium.

(d) through (f) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Osteopathic Medicine may obtain 10 hours of continuing

medical education per biennium in the subject area of risk management for attendance at the disciplinary portion of Board meetings.

(4) Up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

1. The Department of Health;

2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and

3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, F.S., with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

(5) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(3) through (10) renumbered (6) through (13) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, 2-25-07, 11-11-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
 RULE TITLE: Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include an additional way to earn continuing psychological education credit.

SUMMARY: An additional way to earn continuing psychological education credit will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) 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 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

- (a) through (b) No change.
- (c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship or residency which is part of a psychology program that is accredited by the American Psychological Association;
- (d) through (j) No change.
- (2) through (5) No change.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-144.007
 RULE TITLE: Credit for Reinsurance from Eligible Reinsurers

PURPOSE AND EFFECT: To implement revisions to Section 624.610, F.S., relating to rating based collateral requirements.

SUMMARY: The rule establishes a process to implement Section 624.610(3)(e), F.S., by setting up a process by which an insurer gets credit for ceded insurance based upon its rating.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.610 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: April 29, 2008, 9:30 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: Ray Spudeck, P&C Financial Oversight, Office of Insurance Regulation, E-mail ray.spudeck@fldfs.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: Ray Spudeck, P&C Financial Oversight, Office of Insurance Regulation, E-mail ray.spudeck@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-144.007 Credit for Reinsurance from Eligible Reinsurers.

(1) Purpose. Paragraph (3)(e) of Section 624.610, Florida Statutes, gives the Commissioner the option to allow credit for reinsurance without full collateral for transactions involving assuming insurers not meeting the requirements of Section 624.610(3)(a)-(c), Florida Statutes. These rules implement that

paragraph. This rule does not apply to reinsurers that meet the requirements of Section 624.610(3)(a)-(c), Florida Statutes. This rule is not an attempt to assert extraterritorial jurisdiction. Insurers that write in states other than Florida will need to comply with the laws of those states. This rule applies only to property and casualty insurance; it does not apply to life and health.

(2) Definitions. As used in this rule the following terms have the following meanings:

(a) "Ceding insurer" means a domestic insurer, as defined by paragraph (1) of Section 624.06, Florida Statutes.

(b) "Eligible reinsurer" means an assuming insurer which does not meet the requirements of paragraph (3)(a), paragraph (3)(b) or paragraph (3)(c) of Section 624.610, Florida Statutes, and which has been determined by the commissioner by order to have met the requirements set forth in subsections (6) and (7) of this rule.

(c) "Eligible jurisdiction" means a jurisdiction which has met the requirements set forth in subsection (8) of this rule.

(3) With respect to reinsurance contracts entered into or renewed on or after the effective date of this rule, a ceding insurer may elect to take credit, as an asset or deduction from reserves, for reinsurance ceded to an eligible reinsurer, provided that the eligible reinsurer holds surplus in excess of \$100 million and maintains, on a stand-alone basis separate from its parent or any affiliated entities, a secure financial strength rating from at least two of the rating agencies indicated in paragraphs (a) through (e) of this subsection. The credit is subject to the limitations set forth in this rule. The rating agencies are:

- (a) Standard & Poor's;
- (b) Moody's Investors Service;
- (c) Fitch Ratings;
- (d) A.M. Best Company; or
- (e) Any other rating agency recognized by the Office of Insurance Regulation.

(4) The amount of the credit allowed shall be no greater than the percentage specified for the lowest rating as indicated below:

Credit Allowed	Best	S&P	Moody's	Fitch
100%	A++	AAA	Aaa	AAA
90%	A+	AA+, AA, AA-	Aa1, Aa2, Aa3	AA+, AA, AA-
80%	A, A-	A+, A, A-	A1, A2, A3	A+, A, A-
50%	B+, B+	BBB+, BBB, BBB-	Baa1, Baa2, Baa3	BBB+, BBB, BBB
0%	B, B-, C++, C+, C, C-, D, E, F	BB+, BB, B, B-, B+, B, B, CCC, CC, C, D, R, NR	Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C	BB+, BB, BB-, B+, B, B-, CCC+, CCC, CCC-, DD

For reinsurance ceded by Florida domestic property insurers for short-tailed lines as defined below, any collateral required to be posted may be subject to a one-year deferral from the date

of the first instance of a liability reserve entry as a result of a catastrophic loss from a named Hurricane. For these purposes, a short-tailed line of business is defined as any one of the following lines of business as reported on the NAIC annual financial statement:

Line 1	Fire
Line 2	Allied Lines
Line 3	Farmowners multiple peril
Line 4	Homeowners multiple peril
Line 5	Commercial multiple peril
Line 9	Inland marine
Line 12	Earthquake
Line 21	Auto physical damage

(5) A ceding insurer may, subject to the provisions of this rule, and in accordance with the requirements of Rule 600-144.005, F.A.C., take credit for 100% of the ceded liability to a eligible reinsurer, notwithstanding that the reinsurer's rating would indicate it may not take that amount, so long as the reinsurer maintains in a trust fund in the United States the following percentage of ceded liabilities:

(a) If the percentage from subsection (4) is 90%, the percentage of the ceded liabilities that must be maintained in a trust fund in the United States is 10%.

(b) If the percentage from subsection (4) is 80%, the percentage of the ceded liabilities that must be maintained in a trust fund in the United States is 20%.

(c) If the percentage from subsection (4) is 50%, the percentage of the ceded liabilities that must be maintained in a trust fund in the United States is 50%.

(6) A ceding insurer may not take credit pursuant to this rule unless:

(a) The reinsurer has been determined, by order of the commissioner, to be an eligible reinsurer, pursuant to subsection (7) of this rule;

(b) The ceding insurer maintains satisfactory evidence that the eligible reinsurer meets the standards of solvency, including standards for capital adequacy, established by its domestic regulator;

(c) All reinsurance contracts between the ceding insurer and the eligible reinsurer:

1. Require the eligible reinsurer to notify the ceding insurer and the Office in writing, within 30 days, of any change in domiciliary license status;

2. Require the eligible reinsurer to notify the ceding insurer and the Office in writing, within 30 days, of any change in its rating status;

3. Provide that the reinsurance shall be payable by the eligible reinsurer on the basis of the liability of the ceding insurer under the contract reinsured without diminution because of the insolvency of the ceding insurer;

4. Require any eligible reinsurer to designate a person in Florida as its true and lawful agent upon whom may be served any lawful process in a dispute, action, suit, or proceeding instituted by, or on behalf of, the ceding insurer; and

5. Provide that any dispute, suit, action or proceeding under the contract, or any dispute, suit, action or proceeding arising out of, directly, indirectly, or incidentally, or related to the contract or of the transactions and actions arising from performance of the contract are to be subject to the jurisdiction, and resolved in the courts, of the United States or any state thereof, and that the eligible reinsurer submits to the personal jurisdiction of such court.

(7) Status as eligible reinsurer.

(a) Application for a determination as an eligible reinsurer under this rule shall be made by cover letter from the insurer requesting a finding of eligibility as a reinsurer pursuant to this rule. The cover letter shall be accompanied with the following:

1. Audited financial statements from inception or for the last 3 years, whichever is less, filed with its domiciliary regulator by the reinsurer or, in the case of a rated group, by the group, pursuant to or including a reconciliation to U.S. GAAP or U.S. Statutory Accounting Principles; the requirement for 3 years reconciliation shall be waived by the office if the commissioner determines that other provided financial information will be as useful in the determination of financial health of the reinsurer;

2. Documentation that the applicant submits to the jurisdiction of the United States courts, appoints an agent for service of process in Florida, and agrees to post 100% collateral for its Florida liabilities if it resists enforcement of a valid and final judgment from a court in the United States, or if otherwise required by the Office pursuant to this rule;

3. A report that provides information to the office as to its ceded and ceding insurance; the information may be provided in the form of the NAIC Property and Casualty Annual Filing Blank Schedule F, or in any manner determined by the office to provide the information needed by the office in its determination as to whether the reinsurer should be made eligible;

4. A list of all disputed or overdue recoverables due to or claimed by ceding insurers, whether or not the claims are in litigation or arbitration;

5. A certification from the domiciliary regulator of the insurer that the company is in good standing and that the regulator will provide financial and operational information to the Office.

(b) The determination of eligibility will be made by order executed by the Commissioner.

(c) To become an eligible reinsurer, the reinsurer, at a minimum:

1. Shall hold surplus in excess of \$100 million;

2. Shall be authorized in its domiciliary jurisdiction to assume the kind or kinds of reinsurance ceded by the ceding insurer; and

3. Shall be domiciled in an eligible jurisdiction as defined in subsection (8).

(d) If the Commissioner determines, based upon the material submitted, and any other relevant information, that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will find, by order, that the insurer is an eligible reinsurer and will set an amount of credit allowed for the reinsurer if lower than the amount set forth in subsection (4).

(e) Every eligible reinsurer shall file the following information annually with the Office, on the anniversary of the order granting it eligibility:

1. A statement certifying that there has been no change in the provisions of its domiciliary license or any of its financial strength ratings, or a statement describing such changes and the reasons therefore;

2. A copy of all financial statements filed with their domiciliary regulator;

3. Any change in its directors and officers;

4. An updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers; and

5. Any other information that the Office may require to assure market stability and the solvency of ceding insurers.

(f) An eligible reinsurer must immediately advise the Office of any changes in its ratings assigned by rating agencies, or domiciliary license status.

(g) At any time, if the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will withdraw, by order, any determination of an insurer as an eligible reinsurer or require the reinsurer to post additional collateral.

(h) If the rating of an eligible reinsurer rises above that used by the Commissioner in his or her determination of the credit allowed for the reinsurer, an affected party may petition the Commissioner for a redetermination of the credit allowed. If it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will raise the credit allowed for the reinsurer.

(8) Status as an eligible jurisdiction.

(a) The determination of a jurisdiction as an eligible jurisdiction is to be made by the Commissioner. No jurisdiction shall be determined to be an eligible jurisdiction unless:

1. The insurance regulatory body of the jurisdiction agrees that it will provide information requested by the Office regarding its eligible domestic reinsurers;

2. The Office has determined that the jurisdiction has a satisfactory structure and authority with regard to solvency regulation, acceptable financial and operating standards for

reinsurers in the domiciliary jurisdiction, acceptable transparent financial reports filed in accordance with generally accepted accounting principles, and verifiable evidence of adequate and prompt enforcement of valid U.S. judgments or arbitration awards;

3. The Office has determined that the history of performance by reinsurers in the jurisdiction is such that the insuring public will be served by a finding of eligibility;

4. For non-US jurisdictions, the jurisdiction allows U.S. reinsurers access to the market of the domiciliary jurisdiction on terms and conditions that are at least as favorable as those provided in Florida law and regulations for unaccredited non-U.S. assuming insurers; and

5. There is no other documented information that it would not serve the best interests of the insuring public and the solvency of ceding insurers to make a finding of eligibility.

(b) If the NAIC issues findings that certain jurisdictions should be considered eligible jurisdictions, the Commissioner shall, if it would serve the best interests of the insuring public and the solvency of ceding insurers, make a determination that jurisdictions on the NAIC list are eligible jurisdictions.

(c) If the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner shall withdraw, by order, the determination of a jurisdiction as an eligible jurisdiction.

(9)(a) If the rating of an eligible reinsurer is or falls below that required in subsection (4) for the respective amount of credit, the existing credit to the ceding insurer shall be adjusted accordingly. Notwithstanding the change or withdrawal of a eligible reinsurer's rating, the Commissioner, upon a determination that the interest of ensuring market stability and the solvency of the ceding insurer requires it, shall, upon request by the ceding insurer, authorize the ceding insurer to continue to take credit for the reinsurance recoverable, or part thereof, relating to the rating change or withdrawal for some specified period of time following such change or withdrawal, unless the reinsurance recoverable is deemed uncollectible.

(b) If the ceding insurer's experience in collecting recoverables from any eligible reinsurer indicates that the credit to the ceding insurer should be lower, the ceding insurer shall notify the office of this.

(10) The ceding insurer shall give immediate notice to the Office and provide for the necessary increased reserves with respect to any reinsurance recoverables applicable, in the event:

(a) That obligations of an eligible reinsurer for which credit for reinsurance was taken under this rule are more than 90 days past due and not in dispute; or

(b) That there is any indication or evidence that any eligible reinsurer, with whom the ceding insurer has a contract, fails to substantially comply with the solvency requirements under the laws of its domiciliary jurisdiction.

(11) The Commissioner shall disallow all or a portion of the credit based on a review of the ceding insurer's reinsurance program, the financial condition of the eligible reinsurer, the eligible reinsurer's claim payment history, or any other relevant information when such action is in the best interests of market stability and the solvency of the ceding insurer. At any time, the Commissioner may request additional information from the eligible reinsurer. The failure of an eligible reinsurer to cooperate with the Office is grounds for the Commissioner to withdraw the status of the insurer as an eligible reinsurer or for the disallowance or reduction of the credit granted under this rule.

(12)(a) Upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer, pursuant to Chapter 631, Florida Statutes, or the equivalent law of another jurisdiction, an eligible reinsurer, within 30 days of the order, shall fund the entire amount that the ceding insurer has taken, as an asset or deduction from reserves, for reinsurance recoverable from the eligible reinsurer; provided, however, the commissioner may waive part or all of the foregoing requirement upon a showing of good cause.

(b) If an eligible reinsurer fails to comply on a timely basis with paragraph (a) of this subsection, the Commissioner shall withdraw the reinsurer's eligibility under this rule, or take such other steps as necessary in the best interests of market stability and the solvency of the ceding insurers.

(13) The Commissioner may, by order, determine that credit shall not be allowed to any insurer for reinsured risk pursuant to this rule if it appears to the Commissioner that granting of the credit to the ceding insurer would not be in the public interest or serve the best interests of the ceding insurer's solvency.

(14) Nothing in this rule prohibits a ceding insurer and a reinsurer from entering into agreements establishing collateral requirements in excess of those set forth in this rule.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New _____.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-40.030 Application and Permit Issuance
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly. Notice is hereby