

SUBJECT AREA TO BE ADDRESSED: Firefighter line of duty death benefits.

RULEMAKING AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, August 10, 2011, 10:00 a.m.

PLACE: Third Floor, Conference Room, The Atrium Building, 325 John Knox Road, 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: Jason Fryer, (850)413-3647 or Jason.Fryer@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jason Fryer, Government Analyst II, Division of State Fire Marshal, (850)413-3647, Jason.Fryer@myfloridacfo.com

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:	RULE TITLE:
69B-221.155	Forms for Limited Surety (Bail Bond) Agents

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt four forms to be used by the bail bond industry to: (i) provide the sworn statements required by Section 648.34(2)(d), F.S.; (ii) provide the information required by Section 648.355(1), F.S., to qualify for a temporary bail bond license; (iii) permit an appointing entity to appoint a licensee to act for the appointing entity by providing the information required by Section 648.382, F.S.; and (iv) permit the appointing entity to terminate the appointment of a licensee as provided in Sections 648.383(1) and 648.384(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Forms for the bail bond industry.

RULEMAKING AUTHORITY: 624.308(1), 648.26(1)(a) FS.

LAW IMPLEMENTED: 648.26(1)(a), 648.34, 648.355, 648.382, 648.383, 648.384, 648.39, 648.442(8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 11, 2011, 11:00 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines Street, Tallahassee, FL

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 Wenger at (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ray Wenger, Bureau of Investigations, 200 E. Gaines Street, Tallahassee, FL 32399-0320 (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. The text of the proposed rules is also available on the Department's website: <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/>

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE NOS.:	RULE TITLES:
5H-2.003	Assessments; Collections
5H-2.004	Rate of Assessments; Exemptions

PURPOSE AND EFFECT: These changes will implement HB 7103. A referendum of citrus growers was held and passed in November 2009 to increase the assessment rate to a maximum of \$.03 per box and to establish the Citrus Research and Development Foundation as the research advisory council to the Department. Florida Statute 573 was amended accordingly. A referendum of tobacco growers was held and passed unanimously in May 2009 to increase the assessment rate to a maximum of \$1.00 per 100 pounds of tobacco. The Citrus Research and Development Foundation serving as the advisory council recommended commencement of rule making by the Department as may be appropriate to administer the changes.

SUMMARY: Recent tobacco and citrus marketing order referendums passed with overwhelming industry support. The proposed rules are being developed to update the assessment and collection procedures of commodity marketing orders. The proposed amendments to Rule 5H-2.003, F.A.C., would permit the Department to adjust or suspend the assessment rates upon recommendation of the commodity advisory council. The

proposed amendments also clarify the rule by removing the assessment amounts language from the rule. The assessment amounts are set by the marketing order and not by Department rule. This rulemaking also proposes to repeal existing Rule 5H-2.004, F.A.C., which has become outdated. No additional assessments will be collected under these rules.

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

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

**RULEMAKING AUTHORITY:** 573.118(2), 573.119 FS.

**LAW IMPLEMENTED:** 573.112, 573.118(2), 573.119 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:** Marshall Wiseheart, (850)488-4131 Marshall.Wiseheart@freshfromflorida.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**5H-2.003 Assessments; Collections.**

The following applies to the Citrus Research, Peanut, and Tobacco Marketing Orders issued by the Department in accordance with Chapter 573, Florida Statutes.

(1) Assessments. ~~After The Department~~ after receiving the recommendations of the designated Advisory Council, the Department shall fix the rate of assessment on the volume of the commodity sold or some other equitable basis. Such assessment shall be collected by the handler at the first point of sale ~~and shall not exceed the following amounts:~~

~~(a) Twenty five cents (\$.25) per hundred pounds of tobacco;~~

~~(b) Three dollars (\$3.00) per ton on peanuts.~~

~~(c) One cent (\$.01) per standard packed box of citrus fruit as defined in Section 601.03(33), Florida Statutes. Upon recommendation of the Advisory Council, the rate of assessment shall be adjusted if the Department determines that additional funds are required or suspended if the Department determines that additional funds are not required. Upon being fixed by the Department, the assessment rate shall be published in the Florida Administrative Weekly, a newspaper of general circulation in Florida, and in other industry-related publications.~~

(2) Collections. Any money collected by the first handler shall be remitted to the Department under the provisions of the Marketing Order ~~to be deposited in the General Inspection Trust Fund~~ and shall be used for the sole purpose of implementing the Marketing Order for which the assessment was collected. Any money collected pursuant to the Citrus Research Marketing Order shall be for the administration and funding of citrus research activities. The Citrus Research and Development Foundation, Inc., (Foundation) shall act as the Advisory Council for the Citrus Research Marketing Order in accordance with Section 573.112, Florida Statutes.

Rulemaking Specific Authority 573.118(2), 573.119 FS. Law Implemented 573.112, 573.118(2), 573.119 FS. History—New 6-4-95,\_\_\_\_\_.

**5H-2.004 Rate of Assessments; Exemptions.**

Rulemaking Specific Authority 573.118(2) FS. Law Implemented 573.118(2), 573.119 FS. History—New 6-4-95, Repealed\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Nelson Mongiovi, Director Division of Marketing and Development

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Adam H. Putnam, Commissioner of Agriculture

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 12, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 8, 2011

**STATE BOARD OF ADMINISTRATION**

**RULE NO.:** 19-8.010 **RULE TITLE:** Reimbursement Contract

**PURPOSE AND EFFECT:** The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, F.S., as amended by the 2011 Legislature.

**SUMMARY:** The rule is being amended to implement the changes to Section 215.555, F.S., made by CS/CS/CS/SB 408, which became law on May 17, 2011.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

Upon review of the proposed changes to Rule 19-8.010, Reimbursement Contract, F.A.C., the State Board of Administration of Florida does not expect this rule to require legislative ratification.

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

RULEMAKING AUTHORITY: 215.555(3) FS.  
LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), (17) 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: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 19-8.010 Reimbursement Contract.
  - (1) through (16) No change.
  - (17) The reimbursement contract for the 2011-2012 contract year, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2011K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11 01/11, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.
  - (18) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History–New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2011

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NOS.:	RULE TITLES:
64B19-12.005	Biennial Active Renewal Fee
64B19-12.007	Biennial Inactive Renewal Fee

PURPOSE AND EFFECT: The proposed rule amendments are intended to address reduction in the active and inactive renewal fees.

SUMMARY: The proposed rule amendments reduce the active and inactive renewal fees from \$400 to \$340.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 456.015(1), (4), 456.025(1), 456.036(3), 490.004(4), 490.007(1) FS.

LAW IMPLEMENTED: 456.015, 456.025(1), (4), 456.036(3), 490.007(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B19-12.005 Biennial Active Renewal Fee.**

The fee for renewal of an active license is ~~\$340.00~~ \$400.00. The fee for renewal of a limited license is \$25.00, unless the applicant submits a notarized statement from the applicant’s employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee.

Rulemaking Specific Authority 456.015(1), (4), 456.025(1), 490.004(4), 490.007(1) FS. Law Implemented 456.015, 456.025(1), (4), 490.007(1) FS. History–New 2-22-82, Formerly 21U-12.05, Amended 6-1-89, Formerly 21U-12.005, Amended 6-14-94, Formerly 61F13-12.005, Amended 1-7-96, Formerly 59AA-12.005, Amended 12-3-98, 8-8-01, \_\_\_\_\_.

**64B19-12.007 Biennial Inactive Renewal Fee.**

The fee for renewal of an inactive license is ~~\$340.00~~ \$400.00.

Rulemaking Specific Authority 456.036(3) FS. Law Implemented 456.036(3) FS. History–New 1-19-84, Formerly 21U-12.07, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.007, 61F13-12.007, Amended 1-7-96, Formerly 59AA-12.007, Amended 8-8-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 24, 2011

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Insurance Agents and Agency Services

RULE NO.: 69B-162.011  
RULE TITLE: Suitability and Disclosure in Annuity  
Contracts – Forms Required

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to revise the existing rule to reflect certain provisions of Senate Bill 2176, a general insurance bill passed by the 2010 Legislature. The relevant statute, Section 626.99(4)(c), F.S., has been amended to require cover pages for fixed and variable annuity contracts. The effect of the proposed rule is to provide clear and concise information to consumers regarding the circumstances under which an annuity contract may be cancelled for an unconditional refund. In addition to mandatory formatting requirements, the proposed rule amendment requires annuity cover pages to contain specific cautionary language that informs consumers of the risks, policy features and contact sources for those seeking additional information or to report complaints.

**SUMMARY:** The proposed rule amendment sets forth the requirements for the design and content for annuity cover pages.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Division has prepared a Statement of estimated Regulatory Costs which indicates that the proposed rule will not have an impact on small business.

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

**RULEMAKING AUTHORITY:** 624.308(1), 626.016, 627.4554(10) FS.

**LAW IMPLEMENTED:** 624.307(1), 624.308, 626.99(4)(c), 627.4131, 627.4554 FS.

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

**DATE AND TIME:** Tuesday, August 16, 2011, 10:30 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brinkley, Special Investigator, Bureau of Investigation, Division of Agent & Agency Services, Florida Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5654

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-162.011 Suitability and Disclosure in Annuity Contracts – Forms Required.

(1) No change.

(2) Annuity Cover Pages.

(a) Any annuity policy must contain a cover page that is a part of and attached to the annuity policy. The cover page of an annuity policy is a page separate from and prior to the first page of the policy. Information required by the Florida Insurance Code or rules promulgated pursuant thereto to be on the first page of an annuity policy shall not appear on the cover page of the annuity policy unless expressly required by statute or rule to be also on the cover page of the annuity policy.

(b) The top of the cover page shall contain, in 18-point bold type horizontally centered on the page, the heading “Important Time Sensitive Information – Read Immediately.”

(c) The first line below the heading shall contain, in 16-point bold type justified, the statement “Deadline: Right to Cancel and Receive Unconditional Refund.”

(d) With the exception of a company logo, the remainder of the type-face on the cover page shall include only the following information as applicable in a minimum of 12-point type:

1. Information for the purchaser on the unconditional refund period as follows:

a. For purchasers age 64 and under: you may return your contract for up to 14 days after you receive it.

b. For purchasers age 65 and over: you may return your contract for up to 21 days after you receive it, except for accredited investors. The term “Accredited investor” is defined in Section 627.4554(3)(b), F.S.

c. The company must include either (I) or (II) based on the annuity product type.

(I) On fixed annuities, an unconditional refund of all premiums paid, including any contract fees or charges.

(II) On variable annuities, an unconditional refund equal to the cash surrender value provided in the annuity contract, plus any fees or charges deducted from the premiums or imposed under the contract.

d. Include the following statement regarding possible liquidity restrictions and the long term characteristics of an annuity contract: “Please be aware that the purchase of an annuity is a long term commitment and may restrict access to your funds.”

e. Include a statement regarding interest rates to the effect that "Interest rates may have certain limitations. Please refer to your policy for further details."

f. On the cover page of any annuity with a bonus, include the following statement regarding the payment of any bonuses: "It is important that you understand how the bonus feature of your contract works. Please refer to your policy for further details."

g. On the cover page of any fixed annuity policy, include the statement that, "A Buyers Guide is required to be given to you."

h. On the cover page of any variable annuity policy, include a statement that, "A prospectus and policy summary must be given to you."

2. Contact information for the issuing company to include the full name of the company, address and telephone number of the contact person/area for consumer help. The information should state it is for policy owners to present inquiries or obtain information about coverage and to provide assistance in resolving complaints.

3. Contact information for the selling agent to include the full name, address and telephone number.

4. Contact information for the Florida Department of Financial Services, Division of Consumer Services, to include its toll-free help-line number and link to the Division's "Understanding Coverage" page located at <http://is.gd/FLinsurance>.

(3)(2) No change.

(4)(3) Duties of Insurers and Insurance Agents.

(a) through (g) No change.

Rulemaking Authority 624.308(1), ~~626.016~~, ~~627.4554(10)(9)~~ FS. Law Implemented ~~624.307(1)~~, ~~624.308~~, ~~626.99(4)(c)~~, ~~627.4554~~ FS. History--New 12-25-09, ~~Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Brinkley, Special Investigator, Bureau of Investigation, Division of Agent & Agency Services, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 19, 2010

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725  
RULE TITLE: Permissible Items for Visitors  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly.

33-601.725 Permissible Items for Visitors.

(1) through (2) No change.

(3) This rule shall take effect October 1, 2011.

Rulemaking Specific Authority 944.09, ~~944.23~~ FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, 10-1-11.

#### DEPARTMENT OF HEALTH

##### Board of Respiratory Care

RULE NO.: 64B32-2.001  
RULE TITLE: License by Endorsement  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 43, October 29, 2010 issue of the Florida Administrative Weekly has been withdrawn.

### Section IV Emergency Rules

NONE

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Boca Raton Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the CJSTC form 86A for each officer was not