

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: 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-45.002	Definitions
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear
68B-45.007	Blue Crab Limited Entry Endorsement Program

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission adopted rules that would have implemented the final effort management plan for the commercial blue crab fishery on July 1, 2007. The purpose of these rule amendments is to continue the moratorium on issuance of new blue crab endorsements until July 1, 2008, and to delay until that date the implementation of the Blue Crab Limited Entry Program, if legislation implementing appropriate penalties and fees is not passed in the 2007 Legislature. Otherwise, if such legislation is passed, the rules will be amended to make minor changes to aid in the program’s implementation. The effect of these rule amendments, depending on the passage of legislation, will be to maintain the commercial fishery in its current regulatory state until appropriate penalties and fees are established or provide for the smooth implementation of this limited entry program. A secondary purpose of this rule development effort is to revise a definition of the term “folding trap” to allow for traps with other than those shaped as a pyramid. The effect of this change is to allow additional gear for the recreational harvest of blue crabs.

SUBJECT AREA TO BE ADDRESSED: Commercial blue crab endorsements and limited entry program.

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.

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: The ADA Coordinator at (850)488-6411. 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: 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.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.027	Approval of Liquefied Petroleum Gas Containers
5F-11.050	Installation of Unvented Room Heaters

PURPOSE AND EFFECT: These rule revisions are proposed for the purposes of adopting the 2006 edition of National Fire Protection Association Standard No. 54, the National Fuel Gas Code; to revise references within the existing rules to be consistent with this code; and to specify safety requirements for the sale of propane containers to the end user or consumer.

SUMMARY: This rule amends specific sections of Chapter 5F-11, F.A.C., to adopt and be consistent with current code requirements. References to specific sections of the code have been changed, to reflect changes in the code numbers and sections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

DATE AND TIME: May 29, 2007, 10:00 a.m.
 PLACE: Division of Dairy Conference Room, Conner Bldg.,
 3125 Conner Blvd., 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 7 days before the workshop/meeting by contacting: Vicki O’Neil, (850)921-8001. 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: Vicki O’Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650, phone: (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code 2004 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2006 2002 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section 6.6.7 of NFPA 58, 2004 edition, titled “Installation of Containers on Roofs of Buildings,” is hereby excluded from adoption. Section 7.1.6.2 of NFPA 54, 2006 edition, titled “Conduit With Both Ends Terminating Indoors” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06,_____.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section 5.2, NFPA 58. Liquefied petroleum gas containers offered for sale must meet the requirements of the code under which they were fabricated, the requirements of NFPA 58, Chapter 527, F.S., and this rule chapter when being sold for continued use with liquefied petroleum gas.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 6-5-97, Amended 1-29-06,_____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 10.23 9-23 of NFPA 54, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 9.3 8-3 of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 9.3 8-3 of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 1-24-95, Amended 1-29-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Vicki O’Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650, Phone: (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director of Standards
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

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 BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.004
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: This rule amendment corrects Division of State Fire Marshal and Department of Agriculture and Consumer Services Florida Administrative Code (F.A.C.) citations and rules adopted by reference in Chapter 61C-1, F.A.C. These changes are necessary due to the transfer of Title 4A, F.A.C., to Title 69A, F.A.C.; and the adoption of federal standards for the regulation of bottled water.

SUMMARY: These amendments correct Division of State Fire Marshal and Department of Agriculture and Consumer Services F.A.C. citations and rules adopted by reference in Chapter 61C-1, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 509.032(2)(d), 509.032(3), 509.032(6) FS.

LAW IMPLEMENTED: 509.032(2)(d), 509.032(3)(a), (b), (c), 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.004 General Sanitation and Safety Requirements.

The following general requirements and standards shall be met by all public lodging and public food service establishments.

(1) Water, plumbing and waste.

Except as specifically provided in these rules, standards for water, plumbing and waste shall be governed by Chapter 5, Food Code, herein adopted by reference. For the purposes of this section, the term "food establishment" as referenced in the Food Code shall apply to all public lodging and public food establishments as defined in Chapter 509, F.S.

(a) No change.

(b) Bottled and packaged potable water shall be transported and obtained in accordance with the requirements of Title 21 Code of Federal Regulation Parts 129 and 165, as adopted by the Department of Agriculture and Consumer Services in Rule 5K-4.002 Chapter 5E-15, F.A.C., herein adopted by reference.

(c) through (e) No change.

(2) through (4) No change.

(5) All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, F.S., and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter ~~69A-3~~ 4A-3, F.A.C.

(6) through (8) No change.

(9) Fire safety equipment.

(a) No change.

(b) A standard state approved service tag shall be attached to each extinguisher and a person holding a valid state permit issued by the State Fire Marshal shall recharge or inspect the extinguisher and shall prepare the tag to include the information required by Rule ~~69A-21.241~~ 4A-21.041, F.A.C., herein adopted by reference.

(c) through (e) No change.

(10) No change.

(11) Electrical wiring – To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. No extension cords shall be used except during cleaning, maintenance and other temporary activities. Only a wall switch or approved pull cord shall be permitted in bathrooms. In accordance with the provisions of NFPA 70, the National Electrical Code, as adopted by the Division of State Fire Marshal in Chapter ~~69A-3~~ 4A-3, F.A.C., ~~Uniform Fire Safety Rules and Standards~~, sufficient electrical outlets shall be provided.

(12) No change.

(13) Gas appliances – All appliances, including water heaters using gas, shall be kept in good repair and properly vented when manufacturers' instructions require venting of the appliance and shall meet the following requirements:

(a) All appliances shall have a nationally recognized testing laboratory seal such as AGA or UL seal.

(b) Heating appliances shall be properly sized in BTU input for room air space. Proper sizing of heating appliances shall be determined in accordance with the provisions of NFPA 54, the National Fuel Gas Code, as adopted by the Division of State Fire Marshal in Chapter ~~69A-3~~ 4A-43 and ~~4A-55~~, F.A.C.; ~~for public lodging establishments and public food service establishments, respectively.~~

Specific Authority 509.032(2)(d), 509.032(3), 509.032(6) FS. Law Implemented 509.032(2)(d), 509.032(3)(a),(b),(c), 509.215, 509.221 FS. History—Amended 2-20-64, 7-14-67, 2-8-69, Revised 2-4-71, Amended 2-17-73, Repromulgated 12-18-74, Amended 9-19-84, Formerly 7C-1.04, Amended 12-31-90, 2-11-92, 6-15-92, Formerly 7C-1.004, Amended 3-31-94, 10-9-95, 9-25-96, 5-11-98, 7-2-98,

Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill L. Veach, Director, Division of Hotels and Restaurants
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) through (8) No change.

(9) Required extinguishers shall be installed and easily accessible on each cart, and shall be located as remotely as possible from the fuel supply or power source of the cart, in accordance with Chapter ~~69A-3~~ 4A-43, FAC.

(10) Installation of liquefied petroleum gas appliances, equipment, apparatus or containers on theme park food carts is to be performed in accordance with the provisions of National Fire Protection Association, Standard #58, "Liquefied Petroleum Gases Handbook," ~~2002~~ 1995 Edition, as adopted by the Division of State Fire Marshal in Chapter 69A-3 and Chapters ~~4A-3 and 5F-11~~, F.A.C., herein adopted by reference. The following requirements must also be met:

(a) Gas appliances shall be installed in accordance with manufacturer's specifications.

(b) The gas supply shall be shut off at the tank when equipment is not in use.;

(c) No unit utilizing LP gas shall park in a building during the operation of its vending business.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-4.0161
 RULE TITLE: Mobile Food Dispensing Vehicles and Theme Park Food Carts

Specific Authority 509.032(2)(d), 509.032(6) FS. Law Implemented 509.032(2)(d), 509.032(3)(a), 509.211, 509.215, 509.221 FS. History—New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, _____.

PURPOSE AND EFFECT: This rule amendment corrects Division of State Fire Marshal and Department of Agriculture and Consumer Services Florida Administrative Code (F.A.C.) citations and rules adopted by reference in Chapter 61C-4, F.A.C. These changes are necessary due to the transfer of Title 4A, F.A.C., to Title 69A, F.A.C.; and a newer version of National Fire Protection Association standards adopted by the Division of State Fire Marshal.

SUMMARY: These amendments correct Division of State Fire Marshal and Department of Agriculture and Consumer Services Florida Administrative Code citations and rules adopted by reference in Chapter 61C-4, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 509.032(2)(d), 509.032(6) FS.

LAW IMPLEMENTED: 509.032(2)(d), 509.032(3)(a), 509.211, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill L. Veach, Director, Division of Hotels and Restaurants
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

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 Dentistry

RULE NO.: 64B5-2.013 RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to reorganize the rule in order to clarify the examination content, grading and requirements.

SUMMARY: The proposed rule reorganizes the rule and addresses the dental examination requirements, the exam content and the exam grading.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), 466.004(4), 466.006(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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #8, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-2.013 follows. See Florida Administrative Code for present text.)

64B5-2.013 Dental Examination Requirements and Grading System and Examination Requirements for Dental Examination.

(1)(a) Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Examiner’s dental examination and received a National Board Certificate within the past ten (10) years.

(b) Each applicant is required to complete the examinations as provided for in Section 466.006, F.S. The examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination.

(c) A candidate must successfully complete all three examinations as provided for in Section 466.006, F.S. within a thirteen month period in order to qualify for licensure. If the candidate fails to successfully complete all three examinations within that time period, then the candidate must retake all three of the examinations.

(d) All examinations will be conducted in English.

(2) WRITTEN EXAMINATION.

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(b) A final grade of 75 or better is required to pass the Written Examination.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) To take the Practical or Clinical Examination, it is the applicant’s responsibility to provide a patient who is at least 18 years of age and whose medical history is consistent with that prescribed by the board in order for patients to qualify as a patient for the examination. An applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period for each procedure requiring a patient. Candidates for the state dental practical or clinical examination may assess patients for suitability as board patients at any dental office under the direct supervision of a Florida licensed dentist, or at any accredited dental school under direct supervision of a school faculty member.

(b) Every candidate who is scheduled to take the entire practical or clinical examination or who is scheduled to retake any part of the practical or clinical examination which involves the use of a live patient must secure liability insurance coverage in amounts determined by the board. This protection is for injuries which may be sustained or may be claimed to have been sustained by a dental patient in the course of the examination. Each candidate must present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient.

(c) The Practical or Clinical Examination for dental licensure shall consist of seven (7) parts and be graded as to each part as follows:

1. Class II Amalgam on a Patient	30%
a. Preparation 2/3	
b. Restoration 1/3	
2. Demonstration of Periodontal Skills on a Patient: <u>Definitive debridement (root planing, deep scaling/removal of subgingival calculus, and removal of plaque, stain and supra-gingival calculus)</u>	20%
3. Restoration of Class II Composite Resin with Cusp Replacement on Specified Tooth	10%
4. Demonstration of Endodontic Skills on Specified Teeth	10%
5. Demonstration of Prosthetics Skills: <u>Preparation for a 3-unit fixed partial denture on a specified model</u>	20%
6. Class IV Composite Restoration on a Specified Tooth	5%
7. Class II Amalgam Restoration with a Cusp Replacement on a Specified Tooth	5%

(d) The Practical or Clinical Examination shall include the following parts and procedures and be graded on criteria as described below each examination part or procedure. Listed criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the part or procedure. The criteria do not have assigned numerical or point value but are utilized in making a holistic evaluation of the part or procedure.

1. Class II Amalgam on Patient. This part of the Practical or Clinical Examination shall consist of a preparation procedure and a restoration procedure. The following areas will be assessed in determining a grade for each procedure:

a. Preparation:

(I) Outline form – all prepared surfaces smooth and acceptable extensions without weakening tooth surfaces.

(II) Depth – adequate shape and form designed to resist functional displacement forces.

(III) Retention.

(IV) Mutilation of opposing or adjacent teeth.

(V) Debris removal from cavity preparation.

(VI) Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if caries remain; if gross overcutting occurs; if mechanical exposure occurs; if the preparation is prepared or attempted on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the procedure.

b. Restoration: The following areas will be assessed in determining a grade.

(I) Functional anatomy – appropriate occlusal and interproximal anatomy.

(II) Proximal contour and contact – contact is considered present if there is definite, but not excessive resistance to the passage of dental floss through the contact area.

(III) Margins – suitable continuity with the cavosurface margin should be smooth with the absence of flash or overcarving.

(IV) Gingival overhang – overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin.

(V) Proper handling of materials including but not limited to condensation and finishing.

(VI) Management of soft tissue – is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is a total lack of contact; gross overhang; tissues grossly mutilated (may require suturing or surgical intervention); if the preparation for the restoration is prepared or attempted to be prepared on the wrong tooth or wrong surface; or there is a failure to attempt or complete the procedure.

2. Demonstration of Periodontal Skills on a Patient. Must be performed on a minimum of 5 teeth, none of which shall have a full crown restoration, each of which shall have pockets at least 4 mm. in depth with obvious sub-gingival calculus detectable by visual or tactile means and radiographic evidence of osseous destruction; at least one tooth shall be a multi-rooted molar which shall be in proximal contact with at least one other tooth; none of the 5 teeth shall be primary teeth. All calculus appearing on radiographs must be detectable by visual or tactile means. The periodontal exercise shall be a definitive debridement (root planing, deep scale of subgingival

calculus, and plaque, stain and supragingival calculus removal). The following areas will be assessed in determining a grade.

- a. Diagnosis – clinical and radiographic.
- b. Presence of stain on assigned teeth.
- c. Presence of supra-gingival calculus on assigned teeth.
- d. Presence of sub-gingival calculus on assigned teeth.
- e. Root roughness on assigned teeth.

f. Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is gross mutilation of gingival tissue or if the candidate fails to attempt or complete the part.

3. Restoration of a Class II Composite Resin with Cusp Replacement on a Specified Tooth. The following areas will be assessed in determining a grade for this part.

a. Functional anatomy – appropriate occlusal, and interproximal anatomy.

b. Proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance to the passage of dental floss through the contact area.

c. Margins – suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.

d. Gingival overhang – overhang is considered to be excess composite resin in either a proximal or gingival direction at the gingival cavosurface margin.

e. Proper handling of material including but not limited to condensing, curing, and finishing.

f. Re-establishment of correct tooth morphology.

g. Management of soft tissue is considered appropriate in the absence of trauma or mutilation.

h. Mutilation of adjacent tooth structure or restoration during finishing procedures.

Additionally, a grade of zero (0) is mandatory if the restoration is completed or is attempted to be completed on the wrong tooth or wrong surface; if there is a lack of contact; gross overhang; or if the candidate fails to attempt to complete the part.

4. Demonstration of Endodontic Skills on Specified Teeth. The following areas will be assessed in determining a grade for this part:

a. Access preparation:

(I) Outline form and access preparation – all prepared surfaces smooth, absence of undercuts and ledges.

(II) Straight line access to all canals.

(III) Presence of remaining adequate dentin.

b. Canal identification.

c. Instrumentation and shaping of canals.

d. Proper filling of the canal spaces with gutta percha.

Additionally, a grade of zero (0) is mandatory if: a perforation occurs, the candidate fails to retrieve, or fails to successfully instrument around a broken instrument, the preparation is prepared or attempted to be prepared on the wrong tooth, or the candidate fails to attempt or complete the part.

5. Demonstration of Prosthetics Skills – Preparation for a 3-unit fixed partial denture on a specified model. The following areas will be assessed in determining a grade for this part:

a. Outline form – all prepared surfaces smooth with adequate parallelism and absence of undercuts.

b. Depth – occlusal reduction and axial reduction.

c. Retention – all axial walls draw from gingival margin with resistance to displacement.

d. Adequate margins for the assigned preparation.

e. Mutilation of opposing or adjacent teeth.

f. Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if the preparation is prepared or is attempted to be prepared on the wrong tooth or wrong surface; if the wrong type of preparation is performed or attempted to be performed, or if the candidate fails to attempt or complete the procedure.

6. Class IV Composite Restoration on a Specified Tooth- The following areas will be assessed in determining a grade for this part:

a. Functional anatomy – appropriate occlusal, incisal and interproximal anatomy.

b. Proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance with dental floss through the contact area.

c. Margins – suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.

d. Gingival overhang – overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin.

e. Proper handling of material including but not limited to condensing, curing, and finishing.

f. Re-establishment of correct tooth morphology.

g. Management of soft tissue is considered adequate in the absence of trauma or mutilation.

h. Mutilation of adjacent tooth structure or restoration during finishing procedures.

Additionally, a grade of zero (0) is mandatory if the preparation for the Class IV lesion is prepared or attempted to be prepared or the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; if the interproximal contact has not been re-established, or if the candidate fails to attempt or complete the part.

7. Class II Amalgam Restoration with a Cusp Replacement on a Specified Tooth. The following areas will be assessed in determining a grade for this part:

a. Functional anatomy – acceptable occlusal and interproximal anatomy.

b. Proximal contour and contact – contact is considered present if there is definite, but not excessive resistance to the passage of dental floss through the contact area.

c. Margins – suitable continuity with the cavosurface margin should be smooth with the absence of trauma or mutilation.

d. Gingival overhang – overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin.

e. Proper handling of material including but not limited to condensing and finishing.

f. Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is lack of contact; gross overhang; if the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the part.

(e) The grading system used during the Practical or Clinical Examination is as follows:

0 – Complete failure

1 – Unacceptable dental treatment

2 – Below minimal acceptable dental treatment

3 – Minimal acceptable dental treatment

4 – Better than minimally acceptable dental treatment

5 – Outstanding dental treatment

(f) A final grade of 3 or better, as a general average is required to pass the Practical or Clinical Examination.

(g) If an applicant fails to achieve a final grade of 3 or better, as a general average, on the Practical or Clinical Examination because of a failing grade on just one part, the applicant shall be required to retake only that part. On any such retake, the applicant shall be required to obtain a passing grade on the part that is retaken. A failing grade on the retaken part shall not be averaged to obtain a passing score on the Practical or Clinical Examination.

(h) If an applicant fails to achieve a final grade of 3 or better, as a general average, on the Practical or Clinical Examination because of a failing grade on more than one part, the applicant shall be required to retake the entire Practical or Clinical Examination.

(i) Whenever an applicant is repeating only one part of the Practical or Clinical Examination and that part requires the use of a patient, that candidate shall be allowed the same amount of time to complete the part that is allowed candidates currently taking the part for the first time. Whenever a candidate is

repeating only one part of the Practical or Clinical Examination and that part is performed on a mannequin, that candidate shall be allowed 3 hours to complete the part.

(j) As provided in Section 466.006(4)(b)3., F.S., if an applicant fails to pass the Practical or Clinical Examination in three (3) attempts, the applicant shall not be eligible for reexamination unless she or he completes additional educational requirements as specified by the Board.

(3) DIAGNOSTIC SKILLS EXAMINATION.

(a) The Diagnostic Skills Examination shall be an objective type of examination, demonstrating ability to diagnose conditions within the human oral cavity and its adjacent tissues and structures from photographs, slides, radiographs, or models. The Diagnostic Skills Examination may include, but not be limited to the following: medical considerations, periodontist, and prosthetics including the viewing and evaluation of digitalized photographs of exhibits of complete, fixed, partial and removable partial prosthetics. Exhibits may include, but not be limited to, impressions, denture set-ups, study models, master casts, wax rims, partial denture frameworks, bite registrations, crowns, bridges, crown and bridge dies and preparations, and radiographs. The Diagnostic Skills Examination should assess the examinee's abilities to recognize critical clinical conditions or situations encountered regularly in the general practice of dentistry and to formulate appropriate treatment options.

(b) A final grade of 75% or better is required to pass the Diagnostic Skills Examination.

(c) As provided by Section 466.006(4)(c), F.S., if an applicant fails to pass the Diagnostic Skills Examination in three attempts, the applicant shall not be eligible for re-examination unless she or he completes additional educational requirements established by the Board. For purposes of this subsection, on examinations administered prior to June 2007, that portion of the examination identified as "an objective type of examination with respect to dental prosthetics" and the "dental prosthetics written practical" shall be considered to be the Diagnostic Skills Examination.

Specific Authority 456.017(1)(b), 466.004(4), 466.006(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History– New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry.

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for obtaining a passing score on the National Physical Therapy Examination for an applicant for licensure by examination.

SUMMARY: The time limit for application for licensure by examination after obtaining a passing score on the National Physical Therapy Examination will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 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: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination shall be the National Physical Therapy Examination (NPTE) for Physical Therapists developed by the Federation of State Boards of Physical Therapy. An applicant for licensure by examination must have obtained a passing score on the NPTE examination within the five (5) years immediately prior to the filing of the application.

(2) through (4) No change.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06, 1-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for obtaining a passing score on the National Physical Therapy Examination for an applicant for licensure by examination.

SUMMARY: The time limit for application for licensure by examination after obtaining a passing score on the National Physical Therapy Examination will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.017(1)(b), 486.025, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.104 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: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination shall be the National Physical Therapy Examination (NPTE) for Physical Therapists Assistants developed by the Federation of State Boards of Physical Therapy. An applicant for licensure by examination must have obtained a passing score on the NPTE examination within the five (5) years immediately prior to the filing of the application.

(2) through (4) No change.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board proposes to add a new penalty regarding disciplinary guidelines used for a licensee who is practicing on a delinquent, inactive, or retired status license.

SUMMARY: A new penalty for a licensee who is practicing on a delinquent, inactive, or retired status license will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

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

(bb) Sections 456.036(1), F.S. and 486.125(1)(k), F.S. or Section 456.072(1)(dd), F.S.: Practicing on a delinquent license, inactive status license and retired status license – from

a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$5,000, and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation.

(cc) No change.

(2) No change.

Specific Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-20-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, 2-5-07, 4-5-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.007
RULE TITLE: Continuing Education Requirements for Reactivation of License

PURPOSE AND EFFECT: This rule amendment will clarify requirements for continuing education as it relates to the HIV course.

SUMMARY: The rule amendment implements the requirements for educational HIV courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.007 Continuing Education Requirements for Reactivation of License.

The continuing education requirements for reactivation of a license shall be:

(1) Those requirements specified in subsection 456.036(10), Florida Statutes; and

(2) Documented proof of completion of 24 hours of approved continuing education as provided in this rule chapter including HIV/AIDS and medical error prevention, for the preceding biennium during which the licensee held an active license.

Specific Authority 456.036, 468.353 FS. Law Implemented 468.363 FS. History—New 10-11-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:
69O-203.202 Standards for Discount Medical Plans
69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms
69O-203.205 Bundled Products

PURPOSE AND EFFECT: To establish methods by which Discount Medical Plan Organizations may comply with Section 636.216(1), F.S.

SUMMARY: The DMPO must establish reasonableness of the excess charges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 636.232 FS.

LAW IMPLEMENTED: 636.216 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: May 30, 2007, 9:30 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: Tracie Lambright, Life & Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@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 RULES IS: Tracie Lambright, Life & Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-203.202 Standards for Discount Medical Plans.

(1) through (2) No change.

(3)(a) All charges to members must be filed with the Office, and the Office must approve any periodic charge exceeding \$30.00 per month, or \$50.00 per month as provided by paragraph 69O-203.204(1)(b), F.A.C., for the contract issued and not per member covered on the contract, before the periodic charges can be used. Periodic charges approved pursuant to this paragraph must remain in compliance with this paragraph. Consequently, subsequent to the initial approval, the periodic charges remain subject to review by the Office to ensure continued compliance.

(b) In a filing made pursuant to paragraph (a) above, the discount medical plan organization has the burden of proof that the periodic charges bear a reasonable relationship to the benefits received by the member. If the plan uses member savings as the basis of demonstrating the benefits received by the member, the benefits shall be benefits and savings that can be reasonably anticipated by an average Floridian who may purchase such contract.

(c) A discount medical plan may, at its option, make a filing that meets one of the following standards that have been determined to meet the requirement of paragraph (b) above:

1. The discount medical plan provides financial information to demonstrate that at least sixty percent (60%) of the periodic charge is used to pay the costs associated with providing access to discount medical services, excluding any administrative costs, commissions and profits; or

2. The discount medical plan provides financial information to demonstrate that the plan's periodic charge does not exceed sixty percent (60%) of the actual benefit of the discounted services to members, measured as the actual savings realized by members, i.e., provider billed charges without the discount less the discounted provider charges paid by the member. These values shall be measured in the aggregate for all members and all actual services utilized over a period of twelve months with experience from at least 2,000 members; or

3. The discount medical plan provides specific financial information to demonstrate that at least seventy-five percent (75%) of the periodic charge is used to pay the costs associated with providing access to discount medical services, member support services and administrative costs excluding commissions and profits.

Specific Authority 636.232 FS. Law Implemented 636.216 FS. History--New 4-7-05, Amended _____.

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) The DMPO shall file all charges with the Office and shall file for approval by the Office each of the following before use:

(a) No change.

(b)1. Any periodic charge for any Plan that is in excess of \$50.00 \$30.00 per month, if the plan includes at least the following services: physician services licensed under Chapter 458 or 459, F.S., dental services, vision services, chiropractic services, and podiatric services, but does not include hospital services.

2. Any periodic charge for any other Plan, whether the Plan includes one or more services, that is in excess of \$30.00 per month.

(2) Free Plans. The Plan contracts and charges of a Plan that is purchased from a DMPO and subsequently provided at no charge to individuals by an insurer, bank, credit union, or employer are exempt from paragraphs 69O-203.202(1)(e) and (f).

~~(3)(2)~~ All filings shall be submitted to the Office electronically to <https://iportal.fldfs.com>.

~~(4)(3)~~ A filing shall consist of the following items:

(a) through (e) No change.

Specific Authority 636.232 FS. Law Implemented 624.424(1)(c), 636.208, 636.216 FS. History--New 4-7-05, Amended 5-4-06, _____.

69O-203.205 Bundled Products.

(1) The provisions of Section 636.230, F.S., recognize that the discount medical plan may be combined together with other products. When a bundled product is sold, the DMPO must provide the charges attributable to the discount medical plan component in writing to the member if the total monthly charges for the bundled product exceed the limits of \$30.00 or \$50.00 as provided in paragraph 69O-203.204(1)(b), F.A.C. Any filing of a bundled product made pursuant to Rule 69O-203.204, F.A.C., shall clearly identify the discount medical plan component separately from each other component.

(2) No change.

(3) When the bundled product contains insurance or other products subject to regulation and approval by the Office, a DMPO may submit for approval a unified application and

contract. The provisions of the unified contract, and the charges, relating to each component of the bundled product will be reviewed against and must comply with the laws and regulations applicable to each component.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History--New 5-4-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-207.003 Forms Incorporated By Reference

PURPOSE AND EFFECT: To adopt updated forms commonly used by Specialty Insurers.

SUMMARY: Adoption of forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.8805, 626.9912, 626.9913, 626.99175, 627.829, 628.4615, 634.031, 634.061, 634.303, 634.304, 634.3073, 634.407, 641.405, 642.021 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: May 29, 2007, 9:30 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: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail Sandra.dupont@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: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail Sandra.dupont@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-207.003 Forms Incorporated by Reference.

(1) The following forms are hereby adopted and incorporated into this rule chapter by reference:

(a) Form OIR-C1-144, Service of Process Consent And Agreement, (REV. 06/2004);

(b) Form OIR-C1-448, Statement of Acquisition, Merger or Consolidation of a Specialty Insurer, (REV. 01/07);

(c) Form OIR-C1-903, Invoice for Non-U.S. Citizens With No Social Security Number, (REV. 12/05);

(d) Form OIR-C1-905, Instructions for Furnishing Background Investigative Reports, (REV. 10/05);

(e) Form OIR-C1-938, Fingerprint Card and Payment Instructions, (REV. 12/05);

(f) Form OIR-C1-1298, Management Information Form, (REV. 10/05); and

(g) Form OIR-C1-1423, Biographical Affidavit, (January 27, 2005).

(2) All of the above referenced forms are available and may be printed from the Office's website: <http://www.floir.com>.

(3) All forms submitted by a licensee for approval shall be submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 624.308(1), 626.8991, 626.9925, 628.535, 634.021, 634.302, 634.402 FS. Law Implemented 624.307(1), 626.8805, 626.9912, 626.99175, 627.829, 628.4615, 634.031, 634.061, 634.303, 634.304, 634.3073, 634.407, 642.021, 651.021 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Director, Specialty Product Administration, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.003
RULE TITLE: Labels or Tags

NOTICE OF PUBLIC HEARING

The Florida Department of Agriculture and Consumer Services announces a hearing regarding the above rule, as noticed in Vol. 33, No. 9, March 2, 2007 Florida Administrative Weekly.

DATE AND TIME: May 25, 2007; 9:30 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: Establish labeling criteria for fertilizer products distributed in Florida.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.003
RULE TITLE: Labels or Tags

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. 33, No. 9, March 2, 2007 issue of the Florida Administrative Weekly.

5E-1.003 Labels or Tags.

(1) LABEL REQUIREMENTS FOR ALL FERTILIZER PRODUCTS.

(a) Labels setting forth the information specified in this section shall be attached to or accompany any fertilizer distributed in the state. For packaged products, this information shall either (1) Appear on the front or back of the package, (2) occupy at least one-third (1/3) of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this information in printed form shall accompany delivery and five analysis tags attached to the delivery ticket shall be supplied to the purchaser at time of delivery. The following information is required on labels for all fertilizer products.

1. Brand name

2. The grade (Provided that the grade shall not be required when no primary nutrients are claimed)