

creating Rule 65C-22.010, F.A.C., to reflect legislative mandates regarding the implementation of statewide uniform enforcement of procedures.

SUBJECT AREA TO BE ADDRESSED: Child Care Facility Standards.

SPECIFIC AUTHORITY: 402.305 FS

LAW IMPLEMENTED: 402.305 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 10, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Community College at Jacksonville, 101 West State Street, Auditorium Room A1068, Jacksonville, FL 32202

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 Diana McKenzie (850)921-00701, www.myflorida.com/childcare. 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: Diana McKenzie (850)921-00701, www.myflorida.com/childcare

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 STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.030	Electronic Transmission of Absentee Ballots

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update the rule to reflect legislative changes in Chapter 2005-277, Laws of Florida, relating to the oath in the voter’s certificate, and to provide procedures for the acceptance of voter absentee ballots via secure electronic transmission means approved by the Division of Elections. Effective January 1, 2006, Section 101.64, Florida Statutes, was revised to specify the use of a different oath to be placed on a voter’s certificate for absentee ballots for voters under the federal Uniformed and Overseas Citizens Absentee Voting Act. The law dictates that the standard oath prescribed by the presidential designee is to be used in lieu of the state statutory oath. This conforms with federal law under 42 U.S.C. s. 1973ff which provides that the presidential designee shall prescribe a standard oath for use with any document under this subchapter affirming that a material misstatement of fact in the completion

of such a document may constitute grounds for conviction for perjury.” Also effective January 1, 2006, Section 101.697, Florida Statutes, was revised to establish the option for electronic transmission other than via e-mail of absentee ballots for overseas voters provided such transmission can be made secured.

SUMMARY: The proposed rule amendment revises the oath to be placed on voter’s certificates for overseas voters, and provides the parameters under which overseas voters may vote absentee ballots via secure remote electronic access.

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: 20.10(3), 97.012(1), 101.697 FS.

LAW IMPLEMENTED: 101.64, 101.65, 101.697 FS.

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

DATE AND TIME: Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 500 S. Bronough 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: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. 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: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rule are also available by contacting the Division of Elections at 1(850)245-6535, or online from the Division of Elections’ rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State’s E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(1) This rule applies solely to the electronic transmission of absentee ballots for overseas voters as defined in Section 97.021, F.S.

(2) Requests for absentee ballot. In addition to telephone or written request, ~~t~~The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in Section 97.021, F.S., and ~~may accept a voted ballot pursuant to the provisions of this rule.~~ The ~~electronic or facsimile~~ request for an absentee ballot must include:

- (a) The name of the voter requesting the ballot.
- (b) The voter’s county of legal residence in Florida.
- (c) The voter’s date of birth.
- (d) One of the following:

1. ~~If the voter wishes the ballot to be mailed, An APO/FPO or other deliverable overseas address, if the voter wishes the ballot to be mailed.~~

2. ~~If the voter wishes the ballot be faxed, A~~ facsimile machine number where return information will be received, ~~if the voter wishes the ballot to be faxed.~~

3. ~~If the voter wishes the ballot to be transmitted via electronic mail, T~~he electronic mail address, ~~if the voter wishes the ballot to be transmitted via electronic mail.~~

4. A signed application for an electronic ballot if the voter wishes the ballot to be transmitted or accessed by other secure electronic means that is approved by the Division of Elections for the county in which the voter is registered.

- (e) The voter’s signature (facsimile requests only).

(3) Processing absentee ballot requests. Upon receipt of a request for an absentee a ballot ~~under these provisions~~, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(a)(4) Upon verification of the overseas voter’s eligibility, the supervisor shall provide in accordance with the timeframes in Section 101.62, F.S., the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter’s Certificate to the overseas voter by the means requested by the voter in subsection (2).

(b)(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(c)(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the absentee ballot is sent directly to the address or number provided by the overseas voter. It is the overseas voter’s responsibility to ensure the security of the receiving facsimile machine, ~~or computer, or receiving unit.~~

(4)(7) Return of voted absentee ballot. An overseas voter may return a voted ballot either by facsimile, by mail, or by facsimile, or by other secure remote electronic access in accordance with subsection (8). Voted ballots returned by regular electronic mail will not be accepted.

(a)(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter’s Certificate directly to the fax number provided by the supervisor of elections or to a number provided by Federal Voting Assistance Program of the Department of Defense. In order for the ballot to be counted it must be received by the supervisor of elections no later than 7 p.m. on election day in the time zone for the county in which the overseas voter is registered.

(b)(9) Overseas voters returning by mail a mailing back voted ballots initially received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter’s Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked “Absentee Ballot Enclosed.”

(c) Overseas voters submitting a voted absentee ballot by secure remote electronic transmission must send an electronic version of the Voter’s Certificate directly to the supervisor of elections. A paper version of the Voter’s Certificate may be placed in a separate ballot transmittal envelope for mailing. In order for the ballot to be counted the electronic version must be received by the supervisor of elections no later than 7 p.m. on election day in the time zone for the county in which the overseas voter is registered.

(5)(10) Voter’s Certificate. The Voter’s Certificate for absentee ballots being sent by mail, electronic means or by facsimile to all overseas voters ~~by mail, electronic means, or by fax~~ shall be substantially as follows:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter’s Certificate.

VOTER’S CERTIFICATE

I, _____, ~~do solemnly swear or affirm, under penalty of perjury, that I am~~

Print Name

~~a qualified and registered voter of _____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot. I further swear or affirm, under penalty of perjury, that I am:~~

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.; and

2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and

I am eligible to vote in the requested jurisdiction; and

3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date: _____

Voter's Signature Month/Day/Year Date

~~(6)(11)~~ Instructions to Overseas Voters. The instructions to be sent with the absentee ballot to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election in the time zone for the county in which you are registered.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

(d) In order for your ballot to be counted, you must also complete the Voter's Certificate, which must include your signature and. ~~You must also include~~ the date you signed the Voter's Certificate ~~or your ballot may not be counted.~~ Failure to include a signature or a date means your ballot may not be counted.

(e) You may return your voted absentee ballot either by facsimile, ~~or~~ by mail, or by secure remote electronic access if such option is provided by the supervisor of elections for the county in which you are registered. ~~A v~~ Voted ballots returned by regular electronic mail will not be counted.

(f) ~~To You may~~ fax your voted absentee ballot and the Voter's Certificate, fax the ballot and certificate to the supervisor of elections at (fax phone number) or to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot and

certificate to a number provided by the Federal Voting Assistance Program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7 p.m. on election day in the time zone for the county in which you are registered. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

(g) To mail your voted absentee ballot and Voter's Certificate to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

~~(h)~~ To vote and transmit a voted absentee ballot and Voter's Certificate by secure remote electronic access, you must be registered in a county in which the supervisor of elections provides the option of voting by such transmission. Carefully follow the supplemental instructions given to you by the supervisor of elections to ensure that your ballot will be counted.

~~(i)(11)~~ FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

~~(7)(12)~~ Processing Returned Absentee Ballots.

(a) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received and the means by which the ballot was returned.

(b) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot mailing envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

~~(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.~~

~~(c)(14)~~ Upon receipt by facsimile of a voted absentee ballot ~~transmitted by fax~~, the supervisor of elections shall enclose the ballot in an envelope and seal it in order to preserve secrecy. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

~~(d)(15)~~ Upon ~~regular mail~~ receipt by mail of a voted absentee ballot that was originally sent via electronic mail or facsimile, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(e) Upon receipt of a voted absentee ballot transmitted by secure remote electronic access in accordance with subsection (8), the electronic version of the Voter's Certificate shall be reviewed. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be selected for decryption and duplicated so that it can be processed through the tabulating equipment.

(8) Secure Remote Electronic Access. A supervisor of elections may provide the option of voting by secure remote electronic transmission of dated voted ballots, if the following requirements are met:

(a) The Supervisor of Elections must submit to the Division of Elections for approval a written plan on the procedures for secure remote electronic transmission. The plan must be submitted no later than four (4) months prior to its intended use in an election. The plan must provide at a minimum:

1. A timetable and process for notifying eligible overseas voters of the availability of voting an absentee ballot by secure remote electronic transmission.

2. The instructions to be given the overseas voters regarding voting by secure remote electronic transmission.

3. A timetable for the conduct of the election as it relates to the electronic transmission of absentee ballots.

4. A method of providing the blank ballot to the voter.

5. A method including the criteria for securing the submission of the ballot to the supervisor of elections.

6. The procedures for ensuring the physical security of the remote voting site for receipt and transmission of blank and voted absentee ballots.

(b) The minimum criteria for establishing the secure transmission of election material by electronic means must include:

1. Encrypted transmission of election material. Election material as the term is used in this rule includes the ballot, the passwords, and public/private encryption keys.

a. A public/private key encryption methodology that includes key generation under the control of the supervisor of elections.

b. A password protected private key that is held secure by the canvassing board and never transmitted or otherwise divulged by any means.

c. A password protected private key that is unique for each overseas voter to sign digitally the ballot for transmission and storage before decryption by the canvassing board.

2. The capability for auditing the secure remote voting application source code, and the capability for this application to be executed on a clean computer. A clean computer as the term is used herein means, at a minimum, that the baseline operating system is resident on its hard disk and no other software and driver is installed.

3. The capability to secure access to and from the overseas voter client and the voting server or the voting database platform.

4. The verification of the authenticity of the voter's identity before granting access to the transmission of election material.

5. The capability for the voter to determine that the secure transmission of election material was successful.

6. The capability for the canvassing board to segregate rejected ballots prior to decryption.

7. The capability to record the election material received by secure transmission.

~~(9)(16)~~ The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted absentee ballots received by facsimile and secure remote electronic access as confidential as possible.

Specific Authority 20.10(3), 97.012(1), 101.697 FS. Law Implemented 101.62, ~~101.697~~, 101.64, 101.65, 101.697 FS. History—New 5-27-02, Amended 11-26-03, 9-13-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Tuck, Director, Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 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."

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend Rule 19-8.010, F.A.C., Reimbursement Contract, to address changes made to the law during the 2007 Special Legislative Session and the 2007 Regular Legislative Session and seeks to amend Rule 19-8.030, F.A.C., Insurer Responsibilities, to add a revision date to the reference in the rule to incorporated Form FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" and incorporated Form FHCF-LAP1 "Loss Reimbursement Examination Advance Preparation Instructions."

SUMMARY: Rule 19-8.010, F.A.C., Reimbursement Contract: The proposed amendments to 19-8.010, F.A.C., contained in Addendum No. 4 to the Contract, prohibits a participant in the FHCF from selling, assigning, or transferring to a third party any right to receive sums from the FHCF and the proposed amendments to Rule 19-8.010, F.A.C., contained in Addendum No. 5 to the Contract, gives effect to the extension of FHCF coverage to policies of liquidated insurers taken over by Citizens Property Insurance Corporation provided by CS/SB 2498.

Rule 19-8.030, F.A.C., Insurer Responsibilities: An effective date or a revision date is required for all forms referenced for incorporation into a rule; the proposed changes add revision dates in the rule for forms FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" and FHCF-LAP1 "Loss Reimbursement Examination Advance Preparation Instructions". The forms themselves already have the revision date on them.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost of the proposed amendments to be minimal. Any person wishing to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 215.555(3) FS.
LAW IMPLEMENTED: 215.555(4), (5), (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: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (12) No change.

(13) The reimbursement contract for the 2007-2008 contract year, including Addenda ~~1, 2, and 3~~, required by Section 215.555(4), F.S., which is called Form FHCF-2007K- "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"), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2007 through May 31, 2008.

(14) No change.

Specific 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, 5-9-07, _____.

19-8.030 Insurer Responsibilities.

(1) through (7) No change.

(a) Advance Examination Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in the applicable Contract Year's Form FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" rev. 05/07 or in the applicable Contract Year's Form FHCF-LAP1 "Loss Reimbursement Examination Advance Preparation Instructions", rev. 05/07. An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) through (11) No change.

Specific Authority 215.555(3); FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007, Vol. 33, No. 21

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001
RULE TITLE: Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.5595, Florida Statutes.

SUMMARY: The amendments to Rule 19-15.001, F.A.C., address the changes made to the Insurance Capital Build-Up Incentive Program during the 2007 Regular Legislative Session, add a street address for delivery of documents and note that certain documents may be filed electronically.

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: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595(2), (3), (4), (5), (6), (7) 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: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.
(1) through (3)(f) No change.

(g) “Insurer writing only manufactured housing” includes an Insurer that 1. is a Florida domiciled insurer that begins writing personal lines residential manufactured housing policies in Florida after March 1, 2007, and that removes a minimum of 50,000 policies from Citizens Property Insurance Corporation without accepting a bonus, provided at least 25 percent of its policies cover manufactured housing. Such an insurer may count any funds above the minimum capital and surplus requirement that were contributed into the insurer after

March 1, 2007, as new capital under this statute or 2. is a Florida domiciled insurer that writes at least 40 percent of its policies covering manufactured housing in Florida.

~~(h)(g)~~ “Minimum Capital Contribution” means, with respect to Insurers who apply to the Board by July 1, 2006, a contribution of New Capital to its Surplus which is at least equal to the amount of the Surplus Note. “Minimum Capital Contribution” means, with respect to all other applicants applying after July 1, 2006 and before June 1, 2007, a contribution to its Surplus that is twice the amount of the Surplus Note. For insurers writing only manufactured housing as defined in paragraph (3)(g), the New Capital Contribution is required to be equal to the amount of the Surplus Note amount subject to paragraph (3)(i), below.

~~(i)(h)~~ “Minimum Required Surplus” means, for purposes of this Program, that the Insurer’s total Surplus, after the issuance of the Surplus Note and New Capital contribution equals at least \$14 million for Insurers writing only manufactured housing policies and \$50 million for all other Insurers.

~~(j)(i)~~ “Minimum Writing Ratio” means a 2:1 ratio of Net Written Premium to Surplus except as to a newly formed Insurer writing only manufactured housing policies. The “Minimum Writing Ratio” for an Insurer writing only manufactured housing policies shall be the ratio provisions provided in Section 624.4095, F.S.

~~(k)(j)~~ “Net Written Premium” means direct Premium plus assumed Premium less ceded Premium.

~~(l)(k)~~ “New Capital” must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. Except as provided below, a New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer’s application date for the Surplus Note or any other funds contributed to the Insurer’s Surplus which are made for purposes other than in conjunction with the requirements of the Program. New Capital may include the initial contribution to surplus for a new Insurer if such Insurer has been formed in order to participate in the insurance Capital Build-up Incentive Program and the capital contribution was made in conjunction with the Insurer applying for the surplus note. An insurer described in subparagraph (3)(g)1., above, may count any funds above the minimum capital and surplus requirement that were contributed into the insurer after March 1, 2007, as new capital.

~~(m)(l)~~ “Surplus Note” means the Surplus Note issued by the Insurer to the Board.

~~(n)(m)~~ “Office” means the Office of Insurance Regulation, which was created in Section 20.121(3), F.S.

~~(o)(n)~~ “Premium” means premiums relating to residential property insurance in Florida including the peril of wind.

~~(p)(e)~~ “Program” means the Insurance Capital Build-Up Incentive Program created by Section 215.5595, F.S.

~~(q)(e)~~ “Substantial Impairment” or “Substantially Impair” means that the Commissioner of Insurance Regulation (Commissioner) has solvency concerns that the Insurer may not be able to meet the obligations of its policyholders and has provided the Board with a written explanation.

~~(r)(e)~~ “Surplus” means the Insurer’s admitted assets less the Insurer’s liabilities and refers to the entire Surplus of the Insurer.

(4) through (5)(a) No change.

(b) Insurers who apply to the Board after July 1, 2006, other than insurers writing only manufactured housing, but before June 1, 2007, must contribute an amount of New Capital to its Surplus which is at least twice the amount of the Surplus Note requested.

(c) Insurers must submit a completed application including supplying all the required documentation to the Board. The application, Form SBA 15-1, rev. 09/07 2/07, is hereby adopted and incorporated by reference into this rule. This Form is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program”.

(d) Prior to the time the application, Form SBA 15-1, rev. 09/07 06/07, is submitted, the Insurer must review and accept the terms of the Surplus Note, Form SBA 15-2, rev. 09/07 06/07, which is hereby adopted and incorporated by reference into this rule. The Surplus Note is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program”.

(e) through (h) No change.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, rev. 09/07 06/07, which is hereby adopted and incorporated by reference into this rule. This Form is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program”.

(j) through (7) No change.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, rev. 09/07 06/07, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) through (9)(a)1. No change.

2. Failure to submit quarterly filings of Form SBA 15-3, rev. 09/07 06/07, to the Office.

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses or where Minimum Required Surplus is

reduced as a result of the accounting treatment for deferred acquisition costs or where Minimum Required Surplus is reduced as a result of the repayment of principal.

(a)4. through (c) No change.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c), (d), (e), (g) FS. History–New 2-22-07, Amended 6-3-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007, Vol. 33, No. 21

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.1031
 RULE TITLE: Correctional Probation Officers: Appointment and Responsibility

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate the responsibilities of correctional probation officers and the Department’s policy on violating offenders.

SUMMARY: The rule requires correctional probation officers to notify the sentencing or releasing authority whenever the officer has reasonable grounds to believe that a willful violation of any condition of supervision has occurred.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.1031 Correctional Probation Officers: Appointment and Responsibility.

Officers are appointed by the State of Florida under the authority of the Department of Corrections and are responsible for supervision and control of offenders, including the enforcement of conditions of supervision, conducting investigations and initiating arrest of offenders under their supervision as appropriate with or without warrant. Officers will notify the sentencing or releasing authority whenever the officer has reasonable grounds to believe that a willful violation of any condition of supervision has occurred.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Grant, Assistant Secretary for Community Corrections
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-400.443	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation
40B-400.447	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: The purpose of the rule development is to clarify the language of two noticed general permits in Chapter 40B-400, F.A.C., for Florida Department of Transportation (FDOT) projects. The effect of the proposed rule amendments will provide for better use of District rules that regularly apply to FDOT projects.

SUMMARY: These proposed amendments will address specific noticed general permits in Chapter 40B-400, F.A.C., for FDOT projects for adding paved shoulders to meet safety standards, extending existing culverts, in-kind bridge replacements, addition of pedestrian or bicycle facilities, and other existing design criteria that are not necessarily appropriate for roadway projects.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The replacement, ~~or~~ modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

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

(l) This general permit authorizes dredging and filling for the replacement, ~~or~~ modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40B-4 or 40B-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended _____.

40B-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing ~~FDOT~~ Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, municipalities and counties to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing location ~~(project site)~~. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.010
RULE TITLE: Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The purpose and effect is to eliminate “client name and address” as a required entry in appraisal logs that are to be maintained by both the registered trainee appraiser and the supervisory appraiser.

SUMMARY: In this rule amendment, “client name and address” as a required entry in appraisal logs that are to be maintained by both the registered trainee appraiser and the supervisory appraiser is eliminated.

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: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 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: Thomas W. O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) through (5) No change.

(6) Appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

(a) Type of property;

(b) Date of report;

~~(c) Client name and address;~~

~~(c)(d)~~ Address of appraised property;

~~(d)(e)~~ Description of work performed; and

~~(e)(f)~~ Number of work hours.

(7) through (10) No change.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-343.110
RULE TITLE: Duration of Permits

PURPOSE AND EFFECT: The existing rule requires the Department to inspect a permitted system upon receipt of the permittee’s notice of completion of construction prior to converting to the operation phase. The proposed rule changes this so that the Department can authorize conversion to the operation phase with or without the Department’s inspection.

SUMMARY: Amend the procedures for converting an Environmental Resource Permit from the construction phase to the operation phase.

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: 373.026(7), 373.043, 373.118, 373.414, 373.418, 373.421 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.426 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: Alice Heathcock, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8483, or e-mail: Alice.Heathcock@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC No. 07-0642).

THE FULL TEXT OF THE PROPOSED RULE IS:

62-343.110 Duration of Permits.

(1) Unless revoked, extended or otherwise modified, the duration of a permit under this Chapter is:

(a) through (c) No change.

(d) Perpetual for the operation and maintenance phase of a standard general or individual permit. Unless otherwise specified in the permit, the operation phase of a permit shall not become effective until:

1. The permittee or authorized agent has, within thirty (30) days after completion of construction of the permitted activity, filed a written statement of completion and certification by ~~a~~ the appropriate registered professional engineer or other individual as required by Chapter 471, 472, 481 or 493, F.S., utilizing Form 62-343.900(5), indicating that the system is constructed and ready for inspection, and complied with all other general and specific conditions of the permit; and

~~2. The Department has inspected and determined that the permitted system meets all the provisions of the permit; and~~

~~2.3:~~ No change.

(2) No change.

Specific Authority 373.026(7), 373.043, 373.118, 373.414, 373.418, 373.421 FS. Law Implemented 373.413, 373.414, 373.416, 373.426 FS. History—New 7-4-95, Amended 8-14-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:	RULE TITLES:
63D-6.001	Purpose and Scope
63D-6.002	Definitions
63D-6.003	Facility-Based Program Model
63D-6.004	Community Supervision Model
63D-6.005	Common Elements of Facility-Based and Community Supervision Models
63D-6.006	Admission and Orientation for Youth Committed as Minimum Risk
63D-6.007	Progress Reports
63D-6.008	Release

PURPOSE AND EFFECT: The rule establishes the standards and procedures for the provision of day treatment, facility-based and community supervision services to youths on probation, conditional release or who are committed to a minimum-risk nonresidential program.

SUMMARY: The rule describes facility-based and community supervision models, along with their common elements. Admission, supervision and release procedures are described.

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: 985.435, 985.601, 985.64 FS.

LAW IMPLEMENTED: 985.03, 985.433, 985.435, 985.601 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: Tuesday, July 17, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63D-6.001 Purpose and Scope.

This rule establishes the standards and procedures for the provision of day treatment, facility-based, and community supervision services to youths on probation, conditional release or committed to a minimum-risk nonresidential program. These standards and procedures focus on the requirements of the contract provider agencies that deliver such services, and also focus on the process followed by departmental staff when making referrals to such programs. Other standards and requirements for the Juvenile Probation Officer making the referral or assisting in the exit of the youth from the provider program are included in Rule Chapters 63D-5 and 63D-7, F.A.C.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History—New

63D-6.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

(1) Central Communication Center (CCC) – The CCC is a 24-hour, 7-day per week system to which incidents occurring at department or contract operated facilities or programs are reported.

(2) Commitment/Transfer Packet – A compilation of legal, medical, mental health, substance abuse, and social history documents provided to a residential commitment program for each youth admitted to the program.

(3) Commitment/Transfer Packet Checklist – A checklist to ensure that documents needed for an admission, including transfer, to a residential commitment program are included in the Commitment/Transfer Packet. The Commitment/Transfer Packet checklist (JJIS Form 20, September 2006) is incorporated into this rule and is accessible electronically at <http://www.djj.state.fl.us/forms/residential_rule63E_forms.html>.

(4) Community Supervision Services Program – Within the array of services available for youth being released from residential commitment facilities back to the community is a treatment option in which the youth is supervised outside a campus setting in the community by staff of an agency contracted to provide deliverables such as supervision, family counseling, service referrals and skill training based upon an individualized assessment of the youth's risks and needs.

(5) Conditional Release – The assessments, services, and supervision provided to families and to youth who are released from residential commitment programs. Under the legal status

of conditional release the youth remains on commitment status subject to transfer through the department's process governing transfers.

(6) Criminogenic needs/risk factors – Research in the area of juvenile delinquency has documented critical factors in predicting future criminal behavior. The PACT recognizes these factors and classifies them into critical domain areas known to influence criminal behavior. The JPO and JPO Supervisor use this data to measure the individual risk posed by each youth and to design a plan most responsive to reducing the level of risk posed by each factor.

(7) Facility-Based Program – Within the array of services available for youth being released from residential commitment facilities back to the community is a treatment option in which the youth can attend school or receive treatment services or both based upon an individualized assessment of the youth's risks and needs on a campus setting purchased from a provider organization.

(8) Juvenile Justice Information System (JJIS) – The department's electronic information system used to gather and store information on youth having contact with the department.

(9) Juvenile Probation Officer (JPO) – The Juvenile Probation Officer (JPO) serves as the primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision. In this chapter whenever a reference is made to the tasks and duties of a JPO it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

(10) Juvenile Probation Officer Supervisor (JPOS) – A Juvenile Probation Officer Supervisor (JPOS) provides front line oversight and management of the JPOs in the unit. The JPOS is responsible for overall direction and guidance of the services provided by the JPO including but not limited to reviewing the progress of cases, documenting compliance with law and court orders, and approving intervention plans and revisions to intervention plans. In this chapter whenever a reference is made to the tasks and duties of a JPOS it shall also apply to case management staff supervisor of a provider agency contracted to perform these duties and tasks.

(11) Minimum-risk Nonresidential Programs – Program models at this commitment level work with youth who remain at home and participate at least 5 days per week in a day treatment program. Youth assessed and classified for programs at this commitment level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Youth in this level have full access to, and reside in, the community.

(12) Positive Achievement Change Tool (PACT) – As incorporated in subsection 63D-5.002(4), F.A.C.

(13) Pre-Release Notification and Acknowledgement Form (PRN) – As incorporated in Rule 63E-7.002, F.A.C.

(14) Probation – The legal status created by law and court order in cases involving a youth who has been found to have committed a delinquent act. Similar to adult probation; it includes the supervision of juveniles by a JPO.

(15) Youth-Empowered Success Plan (YES Plan) –As incorporated in subsection 63D-5.002(6), F.A.C.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History–New _____.

63D-6.003 Facility-Based Program Model.

(1) Safety and welfare standards of facility-based programs shall incorporate the following:

(a) The physical plant of a facility-based program shall meet the following standards:

1. All indoor areas and attached buildings shall be clean, neat and well maintained. No graffiti shall be allowed to remain on walls doors or windows.

2. Weekly sanitation and safety inspections of all internal and external areas and equipment must be conducted to ensure that the facility is clean and in good repair. Inspections shall be documented in writing.

3. To help ensure that the facility is clean and in good repair a maintenance and housekeeping plan must be developed and employed.

4. For programs that operate during evening hours, the facility perimeter and grounds must be lit.

5. Separate bathroom facilities must be provided for males and females. For every 30 youths, there must be one operable toilet and washbasin with hot and cold running water and antibacterial soap.

6. Space must be available for private counseling, group meetings and classrooms.

(b) Facility-based programs must have a comprehensive safety regimen that includes:

1. Fire prevention.

2. Smoking shall not be permitted in the facility. Any designated smoking areas must be outside of the facility and clearly marked.

3. A fire alarm and automatic detection system is required. All staff and youth must be trained in the operation of the alarm system.

4. Fire protection equipment must be available at strategic locations throughout the facility, and must be checked quarterly. All staff and youth must be trained in the proper operation and use of available equipment.

5. Fire drill procedures must be approved by the State Fire Marshal or local fire officials, and must include the following:

a. Unannounced fire drills conducted at least monthly.

b. Drills must be conducted under varied conditions and across all shifts.

c. All fire drills must be documented in the Fire Safety Log.

6. A Fire Safety Log must be kept in the facility, and must contain a record of annual fire safety inspections, a summary of all deficiencies found by fire officials, a record of corrections, and the results of periodic fire safety inspections and equipment checks.

(c) An evacuation plan shall specify routes of evacuation and provisions for medical care or hospital transportation for youths and staff.

1. The evacuation plan shall provide that the program director or supervisor in charge shall make the decision to evacuate the facility, and the notice to evacuate must be clearly communicated.

2. Staff members in each area must help control the exit of youths and visitors in an orderly manner.

3. Staff must be alerted to the location of available alarm boxes and outside telephones.

4. A written emergency disaster plan must be reviewed annually, updated as needed, and detail the procedures for fire, severe weather, hurricane and tornado warnings, flooding, youth riots, hostage taking, chemical spills and bomb threats.

5. A current listing of telephone numbers for local emergency departments must be posted next to every facility telephone.

6. Programs that allow youths to participate in water related recreational activities must have a water safety plan. The program must provide one certified lifeguard for every eight participating youths. Youths must take a swim test prior to any swimming activities.

(d) The program shall provide for the prompt notification of a youth's parent or guardian in cases of serious illness, injury or death.

(e) Programs providing meals must comply with the following requirements:

1. The food service and dining area must be clean and well maintained.

2. A nutritionist, dietitian or physician shall annually approve the nutritional value of the food served.

3. There must be a single menu for staff and youth.

(f) Facility-based programs must provide daily transportation to and from the program, or must arrange for such transportation.

1. All program vehicles that transport youths must receive an annual inspection by a certified mechanic.

2. Staff transporting youth must have current, valid driver licenses.

3. Program vehicles must have current insurance and automobile registration.

4. A youth cannot be denied services or penalized because of the lack of transportation.

5. All vehicles must be locked when not in use.

6. Youth must wear seat belts while the vehicle is in operation.

(2) Facility-based programs shall meet the following standards of operation and administration:

(a) The program director is responsible for maintaining information on the program and reporting to the department.

(b) Monthly reports shall be submitted to the department detailing major developments, incidents and population data.

(c) Youths listed on the program roster must match the census report in JJIS.

(d) Statistical information must be maintained, including monthly data on admissions, releases, transfers, absconds, abuse reports, medical and mental health emergencies, incidents, personnel actions, volunteer hours and average length of stay.

(e) The program must comply with the department's CCC incident reporting requirements.

(f) A daily facility log must be maintained for staff to record significant program activities, events and incidents. Special attention must be given to entries impacting the safety and security of the program, which must be highlighted to ensure attention.

1. The program director must review the log on a bi-weekly basis, taking action where appropriate. Any action taken must be documented in the log.

2. All staff should read and initial each page in the daily log at the beginning of their shift.

3. Log entries shall be brief, and legibly written in ink. Recording errors must be struck through with a single line, with "void" written by the error and the correction initialed by staff.

4. Each log entry must provide the following information:

a. Date and time of incident;

b. Name of the youth and staff involved;

c. Brief statement of pertinent information; and

d. Name of the person making the entry with the date, time of entry and signature.

(g) Staff must comply with the training requirements as outlined in Chapter 63H-1, F.A.C. (Protective Action Response), and Rules 63H-2.004 and 63H-2.006, F.A.C.

(3) Facility-based programs shall have the following program design components:

(a) Facility-based programs shall have a written description of program design, educational goals and objectives. A mission statement encompassing the mission of the department must be understood by staff, reviewed annually and updated as necessary.

(b) Daily activity schedules must be developed and substantially followed. This shall include structured outdoor/indoor recreational and leisure activities that teach values and encourage sportsmanship.

(c) All instances of time-out, in-program suspension and privilege suspension shall be logged, dated and signed by staff implementing the discipline. Supervisory staff must review the log daily.

(d) The program must have a behavior management system that provides a system of privileges and consequences to encourage youths to fulfill programmatic expectations. Consequences for violating program rules must be fair and have a direct correlation to the inappropriate behavior. The use of program restriction shall not exceed seven consecutive days.

1. Disciplinary procedures shall be carried out promptly.

2. No youth or group of youths shall be allowed to control, have authority over, or otherwise discipline any other youth. Discipline or authority must never be delegated to youths.

3. Rules shall be conspicuously posted.

4. All discipline problems must be clearly documented in the youth's file.

5. The use of "time-out" must be limited to one hour, and may only be used as a "cooling-off" period.

a. Youths in time-out must be visually observed by a staff member at least every ten (10) minutes, or be under constant sight and sound supervision if assessed to be at risk for suicide.

b. Locked time-out rooms are prohibited.

c. Youths in time-out shall not be denied regular meals, healthcare, accommodation of religious needs, or staff assistance.

6. Privilege suspension may include denial of participation in recreational activities and other activities outside the program. Privilege suspension shall not include loss of regular meals, healthcare services, contact with parent(s) or guardian(s), or legal assistance. Prior to privilege suspension, staff must explain to the youth the reason for the restriction, and shall give the youth an opportunity to explain the behavior leading to the suspension.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History-New _____.

63D-6.004 Community Supervision Model.

(1) The staff of a non-facility based community supervision program must document all contacts with youth. This includes contacts made by volunteers and interns.

(2) Contacts must focus on the youth's needs and risks, with a major emphasis on coaching the youth toward successful completion of the YES Plan.

(a) Staff must use contacts to model positive behavior for the youth.

(b) Staff must make contact in a variety of locations and settings. Primary settings are home, school and at community service sites. Other settings will be driven by the YES Plan. Contact must be made during various hours of the day so that the youth cannot readily predict when a visit will occur.

(c) Contacts made by agency partners with the youth do not meet the face-to-face contacts required of the staff of a community-based program.

(d) Staff must maintain regular contact with school personnel, employers, treatment providers, community work coordinators, conditional release contracted agents, and other partners. These collateral contacts are made to verify completion of supervision goals, to monitor progress and to coordinate services.

(e) Community-based programs must adhere to a contact and supervision schedule that proceeds through three phases. Phase one is mandatory, regardless of a youth's behavior in the program. Subsequent movements into phases two and three must be determined by the youth's progress on YES Plan goals, and all movement between phases must be approved by the supervisor and documented.

1. Phase one extends for at least the first six weeks of supervision, and consists of five contacts per week, four of which must involve face-to-face contact with the youth. An additional contact must be made with a parent or guardian, as well as at least one collateral contact.

2. Phase two consists of four contacts, two of which must be face-to-face with the youth. An additional contact must be made with a parent or guardian, as well as at least one collateral contact.

3. Phase three consists of two contacts, one of which must be face-to-face with the youth. Every two weeks, an additional contact with a parent or guardian must be made, as well as a collateral contact.

(3) The staff of a community-based program must continuously coordinate and communicate with the assigned JPO.

(a) The program must inform the JPO of a youth's performance, and must copy the JPO on all correspondence with the committing court.

(b) Community-based program staff must staff the case with the JPO before recommending that the court release the youth. The JPO must complete a PACT re-assessment prior to staffing the case to ensure that criminogenic needs identified in the PACT assessment have been addressed.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS. History—New _____.

63D-6.005 Common Elements of Facility-Based and Community Supervision Models.

(1) Within seven days of a youth's admission, staff must complete a needs assessment. This must include a review of all prior PACT assessments. If a PACT re-assessment was completed within the last 45 days, a new needs assessment is not required.

(a) The needs assessment must include consideration of the following:

1. Criminal history;

2. School history;

3. Use of free time;

4. Employment history;

5. Relationships;

6. Family history;

7. Alcohol and drug history;

8. Attitudes and behaviors;

9. History of aggression; and

10. Skills.

(b) Programs shall conduct pre- and post-testing to evaluate a youth's academic competencies, employability skills, social skills and life skills.

(c) Services identified in the needs assessment shall be incorporated into the YES Plan. Appropriate referrals must be made and documented. The YES Plan must be modified to reflect the referral, initiation and completion of services.

(d) Program staff and the assigned JPO will facilitate transportation for services identified in the needs assessment.

(2) Upon completion of the youth's needs assessment, and within 14 days of the youth's admission, the staff of a community-based program, the youth, and the parent(s) or guardian(s) will negotiate and develop a YES Plan. In particular, the youth and family should be consulted to identify goals and to assess their ability to fulfill their responsibilities. During plan development, the youth and parents or guardians must be informed of the consequences of failing to fulfill the goals of the plan. Inability to obtain parental involvement and efforts made to engage the parent(s) or guardian(s) must be documented.

(a) The plan must be performance based, with measurable and positive objectives, described outcomes, and the ultimate benefit being successful termination from the program.

(b) Objectives described in the plan must address:

1. Public safety, accountability and competency development;

2. Court ordered sanctions and treatment goals; and

3. Mutually agreed upon interventions discovered in the course of working with the youth and parent(s) or guardian(s).

(c) Each goal must identify the major action steps required for achievement, and the individual(s) primarily responsible for each step. Realistic target dates must be recorded for each goal and action step.

(d) The youth, the staff of a community-based program, the supervisor, and the parent(s) or guardian(s) must sign the YES Plan. Staff must provide the youth and parent(s) or guardian(s) with a legible copy of the plan.

(3) YES Plans must be modified as follows:

(a) Completed goals shall be documented on the plan.

(b) When voluntary goals are added to address newly identified needs, the plan must be modified to reflect the addition.

(c) If the youth received subsequent dispositions due to pending cases or new violations, the staff of a community-based program must update the original plan to reflect changed sanctions, treatment goals, and court ordered conditions.

(d) Staff and youth must initial changes on the YES Plan.

(4) Staff of a community-based program must routinely review YES Plans with the youth and the parent(s) or guardian(s), making modifications when necessary. Formal reviews must occur every 90 days. Staff should call attention to the accomplished goals and the need to address those that have not been accomplished. The youth and the parent(s) or guardian(s) must initial the plan to indicate that it was reviewed with them.

(5) Service provision in both the facility-based model and the community supervision model must include:

(a) Group counseling, based on established group counseling principles, at a minimum of five days per week. If clinical counseling is provided, the groups must be facilitated by a licensed clinician.

(b) Family involvement and family counseling, as needed.

(c) Substance abuse services that include alcohol and other drug abuse, assessments, awareness, education, and treatment.

(d) Mental health services by licensed mental health professionals, as needed.

(e) Services that teach youths the consequences of their criminal behavior, and focus on their need to make reparation to victims and communities.

(f) Non-clinical individual and crisis counseling.

(g) Skills training that include social skills, life skill, positive alternatives to aggressive behavior, and skills for responding effectively to stress.

(h) Pre-employment, employment education, or vocational training.

(i) Independent living skills.

(k) Facilitating transportation for appointments, job interviews and other activities.

(l) In addition to the array of services listed in paragraphs (a) through (j) above the facility based model must also provide structured activities, including physical activities teaching social skills and sportsmanship, and extracurricular activities that encourage creative and performing arts, gender issues, and spiritual development.

Specific Authority 985.435, 985.601, 985.64 FS, Law Implemented 985.03, 985.433, 985.435, 985.601 FS, History–New _____.

63D-6.006 Admission and Orientation for Youth Committed as Minimum Risk.

(1) To ensure continuity of services for youth committed to a minimum-risk nonresidential program, it is critical that staff of the community-based program receive a complete commitment packet. Staff must inspect the commitment packet

using the Commitment Packet Checklist. With the exception of the commitment order, missing documents are not grounds to reject a youth's admission.

(a) If a youth arrives at a nonresidential program without a copy of the commitment order, staff must immediately contact the JPO or JPO supervisor and request the order be faxed immediately so that the youth can be admitted.

(b) If documents other than the commitment order are missing from the packet, the youth shall be admitted and staff shall immediately notify the JPO or JPO supervisor to request the missing documents.

(c) If admitting staff discover conflicts in the commitment order, the assigned JPO or JPO supervisor must be contacted and informed of the conflict.

(2) Notification of admission:

(a) Within 24 hours of a youth's admission to a nonresidential program, staff must provide written notification to the youth's parent(s) or guardian(s). A copy of the notification must be filed in the youth's case file.

1. The notification must include a brief overview of the program.

2. If the program includes scheduled recreational activities, the parent or guardian must advise the program if there is an objection to the youth's participation due to a physical or medical problem. The parent or guardian must be informed that any such objection must be accompanied by written documentation from a physician.

(b) Within 30 days of admission of a committed youth, the program director or supervisor must provide written documentation to the court, including a copy of the initial YES Plan. The notification must indicate that the program will provide quarterly progress reports, unless otherwise ordered by the court. A copy of the notification and the YES Plan must be sent to the JPO, parent or guardian, state attorney, and the youth's attorney.

(3) Program orientation must be conducted with 24 hours of a youth's admission to the program. The youth's parent(s) or guardian(s) must be encouraged to attend. Orientation information must be understandable to the youth.

(a) An orientation handbook or brochure must be provided containing the following:

1. Program goals and available services;

2. Review of the case planning process;

3. Telephone guidelines;

4. Search policy;

5. Youth rights and grievances;

6. Florida Abuse Hotline telephone number; and

7. Program rules governing youth conduct and consequences for major rule violations.

(b) In addition to the handbook or brochure, the orientation must also include the following:

1. Introduction to the staff and a tour of the facility grounds;
2. A review of expectations, rules and the behavior management system;
3. A review of the daily activity schedule governing day-to-day operations. The schedule shall be posted to allow for easy reference by youth and staff;
4. A review of emergency medical and mental health services, emergency safety, and the evacuation procedures for the facility;
5. A list of contraband items and materials, and the consequences for introducing contraband into the program;
6. A review of the performance planning process;
7. The average anticipated length of stay to successfully complete the program; and
8. The program's dress code, which must prohibit pictures, logos, emblems and writing that depict illegal activity, violence, profanity, gang logos or nudity.

Specific Authority 985.433, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.441, 985.601 FS. History-New _____.

63D-6.007 Progress Reports.

- (1) Staff of a community-based program must complete a progress report at 30-day intervals. The progress report is prepared after a review of the YES Plan, and documents the youth's progress in the program.
- (2) The original report must be sent to the court, with copies to the assigned JPO, state attorney, youth's attorney, and the youth's parent(s) or guardian(s). Staff must include a cover letter providing a brief description of the youth's overall performance, as well as any extraordinary information about the youth.
- (3) Youths must be given an opportunity to read the performance summary and add comments.
- (4) The summary must be signed and dated by the youth and the staff member who prepared it.
- (5) The program director or supervisor must review, sign and date the report prior to distribution.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.455(3), 985.601 FS. History-New _____.

63D-6.008 Release.

- (1) Release planning must begin during the admission phase and continue in stages.
 - (a) Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the nonresidential program must submit to the JPO a termination summary and a Pre-release Notification and Acknowledgment Form, as incorporated in Rule 63E-7.002, F.A.C., at least 45 days prior to the youth's release. If the youth is a sex offender, these must be provided 90 days prior to release.

(b) Day treatment programs that supervise youth on probation or minimum risk commitment status must submit a termination summary to the JPO 45 days prior to release, or 90 days prior to release in the case of sex offenders.

(c) Documentation of completed sanctions, including community service hours and restitution, must be forwarded to the JPO.

(2) The JPO shall complete a PACT re-assessment prior to review of the termination summary and obtain supervisor approval prior to submitting a letter, the Pre-release Notification and Acknowledgement form, and the summary to the court within three working days of receipt of the summary and the Pre-release Notification and Acknowledgement form. The nonresidential program, youth, and the youth's parent(s) or guardian(s) must be sent a copy of this letter.

Specific Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.455(3), 985.601 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Ahearn, DJJ Probation and Community Intervention
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Darryl Olson, Assistant Secretary for Probation and Community Intervention
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NO.: 63E-6.003 RULE TITLE: Admission Criteria
 PURPOSE AND EFFECT: Amending the requirement that the preadmission comprehensive evaluation be conducted no more than six months prior to program placement.
 SUMMARY: The amendment runs the six-month period from the point at which the youth is referred to the program, thus ensuring that youth deemed eligible based upon a timely comprehensive evaluation will be referred without the need for a second evaluation at the time of admission.
 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: 985.4891, 985.64 FS.
 LAW IMPLEMENTED: 985.4891(2), (7)(a) FS.

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

DATE AND TIME: Monday, July 16, 2007, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel’s Conference Room, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

63E-6.003 Admission Criteria.
 (1) through (2)(b) No change.

(c) A preadmission comprehensive evaluation with the psychological component conducted by a licensed mental health professional or a Master’s level mental health clinical staff person working under the direct supervision of a licensed mental health professional should be completed no more than six months prior to ~~referral to commencement~~ of the STAR program. A mental health clinical staff person is a person providing mental health services in a DJJ facility or program who has received training in mental health assessment processes and procedures and mental health treatment strategies and techniques. A Master’s level mental health clinical staff person is a person who holds a Master’s degree from an accredited university or college with a major in psychology, social work, counseling or related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 75 or classification as “Educable Mentally Handicapped” or “Trainable Mentally Handicapped,” a need for intensive mental health treatment, reveals suicidal risk histories, a DSM-IV-TR diagnosis of substance abuse, substance dependence, poly substance dependence, substance intoxication or substance withdrawal, or indicates high-risk suicidal tendencies or history of self-injurious behavior.

(3) No change.

Specific Authority 985.4891, 985.64 985.3091, 985.405 FS. Law Implemented 985.4891(2), (7)(a) 985.3091(2), (7)(a) FS. History–New 11-19-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judy Haynes, DJJ Residential Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-6.035
 RULE TITLE: Definition of Payroll for Calculating Penalty

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish criteria for the department to utilize in determining an employer’s payroll for penalty calculation purposes under Section 440.107(7)(d)1., F.S. The effect of the proposed rule will be to facilitate the calculation of an accurate and complete employer payroll in cases where the employer has provided business records.

SUMMARY: Provides guidance regarding the definition and process of calculating penalties against employers for failure to secure the payment of compensation under Chapter 440, Florida Statutes.

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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(d)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:

DATE AND TIME: Tuesday, July 17, 2007, 10:00 a.m.
 PLACE: Room 104J, Hartman Bldg., 2012 Capital Circle, S.E., 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: Andrew Sabolic, Bureau Chief, Bureau of Workers’ Compensation, Division of Worker’s Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.035 Definition of Payroll for Calculating Penalty.

(1) For purposes of determining payroll for calculating a penalty pursuant to Section 440.107(7)(d)1., F.S., the Department shall when applicable include any one or more of the following as remuneration to employees based upon evidence received in its investigation:

(a) Wages or salaries paid to employees by or on behalf of the employer;

(b) Payments, including cash payments, made to employees by or on behalf of the employer;

(c) Payments, including cash payments, made to a third person or party by or on behalf of the employer for services provided to the employer by the employees;

(d) Bonuses paid to employees by or on behalf of the employer;

(e) Payments made to employees by or on behalf of the employer on any basis other than time worked, such as piecework, profit sharing, dividends, income distributions, or incentive plans;

(f) Expense reimbursements made to employees by or on behalf of the employer, to the extent that the employer's business records do not confirm that the expense was incurred as a valid business expense;

(g) Loans made to employees by or on behalf of the employer to the extent that such loans have not been repaid to the employer;

(h) Payments or allowances made by or on behalf of the employer to employees for tools or equipment used by employees in their work or operations for the employer, even in cases where the tools are supplied directly by the employee or to the employee through a third party;

(i) Total contract price of a service provided by the employer, excluding the cost for materials as evidenced in the employer's business records or contract. In the event the costs for materials is included in the total contract price and cannot be separately identified in the total contract price, eighty percent of the total contract price shall be the employer's payroll; and

(j) Income listed in "Form 1099 Miscellaneous Income" issued to a person, excluding the cost of materials as evidenced by business records from the person to whom the Form 1099 Miscellaneous Income was issued. In the event such records are not provided to the Department to determine the cost of such materials, the entire amount of the income listed on the "Form 1099 Miscellaneous Income" shall be included in the employer's payroll.

(2) For the purposes of calculating a penalty pursuant to Section 440.107(7)(d)1., F.S., payroll for an officer of a corporation as defined in Section 440.02(9), F.S., shall be based on remuneration factors listed in paragraphs (1)(a) through (j) of this rule where applicable, or the state average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5, whichever is less.

(3) For purposes of calculating a penalty pursuant to Section 440.107(7)(d)1., F.S., payroll for a sole proprietor or partner shall be based on remuneration factors listed in paragraphs (1)(a) through (j) of this rule where applicable, or the state average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5, whichever is less.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(d)1. FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

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

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-186.003	Title Insurance Rates
69O-186.005	Premium Schedule Applicable to "Truth in Lending" and Other Endorsements

PURPOSE AND EFFECT: To set appropriate rates for junior loan title insurance. Junior loan title insurance is directed to equity lines of credit and second mortgages.

SUMMARY: The proposed rules establish rates for junior loan title insurance.

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, 626.9611, 627.777, 627.782, 627.793 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.783, 627.7831, 627.7841, 627.7845, 697.04(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:

DATE AND TIME: July 24, 2007, 11:00 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: Peter Rice, Insurance Analyst II, Property and Casualty Product Review, Office of Insurance Regulation, E-mail peter.rice@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: Peter Rice, Insurance Analyst II, Property and Casualty Product Review, Office of Insurance Regulation, E-mail peter.rice@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-186.003 Title Insurance Rates.

The following are risk rate premiums to be charged by title insurers in this state for the respective types of title insurance contracts. To compute any insurance premium on a fractional thousand of insurance (except as to minimum premiums), multiply such fractional thousand by the rate per thousand applicable, considering any fraction of \$100.00 as a full \$100.00.

(a) through (b) No change.

(c) For junior loan title insurance:

1. The premium for junior loan title insurance shall be:

a. \$0.86 per \$1,000.00 of liability written;

b. The minimum premium shall be \$50.00;

c. The minimum insurer retention shall be 30%.

2. This rate is approved for use with the following junior loan title insurance policy forms, copies of which are available on the Office's website www.floir.com:

a. ALTA Residential Limited Coverage Junior Loan Policy (10/19/96) (with Florida Modifications) and ALTA Endorsement JR 1 (10/19/96);

b. ALTA Short Form Residential Limited Coverage Junior Loan Policy (10/19/96) (with Florida Modifications), and ALTA Endorsement JR 1 (10/19/96); and

c. Any substantially similar product that insures the same type risk.

3. This rate does not include the \$25.00 premium that shall be charged when issuing the optional ALTA Endorsement JR 2 (Revolving Credit/Variable Rate) (10/19/96) on a junior loan title insurance policy, as provided for in paragraph 69O-186.005(6)(c), Florida Administrative Code.

4. Eligibility for the junior loan policy shall be restricted to the following:

a. The insured title is for land having 1-4 residential units;

b. The junior loan must be a second or subsequent mortgage loan and must meet the definitional requirements of a "federally related mortgage loan", as defined in the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. s. 2602, which is incorporated by reference and a copy is available from the Office;

c. The junior mortgage loan amount is less than or equal to \$500,000;

d. No junior loan policy may be issued for an amount less than the full junior loan principal debt.

(2) through (12) No change.

Specific Authority 624.308(1), 626.9611, 627.782, ~~627.793~~ ~~627.7825~~ FS. Law Implemented 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, ~~627.7825~~, 627.783, 627.7831, 627.7841, 627.7845 FS. History--New 9-17-71, Amended 12-28-73, Repromulgated 12-24-74, Amended 4-12-82, 12-23-82, Formerly 4-21.03, Amended 6-25-86, 2-26-90, 7-26-90, 2-27-91, Formerly 4-21.003, Amended 2-13-95, 1-27-02, Formerly 4-186.003, Amended _____.

69O-186.005 Premium Schedule Applicable to "Truth in Lending" and Other Endorsements.

(1) through (5) No change.

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

(c) In recognition of the increased risk in issuing optional ALTA Endorsement JR 2 (Revolving Credit/Variable Rate) (10/19/96) on a junior loan title insurance policy as provided for in paragraph 69O-186.003(1)(c), F.A.C., the premium shall be \$25.00 for issuing ALTA Endorsement JR 2 (Revolving Credit/Variable Rate) (10/19/96) on any such junior loan title insurance policy issued. ALTA Endorsement JR 2 (Revolving Credit/Variable Rate) (10/19/96) is the only optional endorsement available for issue with any such junior loan title insurance policy and this endorsement shall be itemized on the closing statement furnished to the insured. Irrespective of whether the ALTA Endorsement JR 2 (Revolving Credit/Variable Rate) (10/19/96) is issued, no additional premium shall apply to the ALTA Endorsement JR 1 (10/19/96), which must accompany any junior loan title insurance policy issued. Copies of these forms are available on the Office's website at www.floir.com.

(7)(a) Both endorsements and affirmative type coverages and their applicable risk rate premium must be approved by the Office Department prior to their issuance in this state. Accordingly, endorsements and affirmative type coverages are categorized as follows:

1. through 2. No change.

3. Endorsements and/or affirmative type coverages with no specific Office Department approval required when there is no increased risk resulting to the insurer.

(b)1. No change.

2. If there is a change in a current adopted endorsement and the change results in a further limitation of coverage, the endorsement may be submitted to the Office Department for approval without an amendment to these rules.

(c) through (e) No change.

(8) through (15) No change.

(16) The following endorsements can be issued or affirmative language is permitted with no specific approval required from the Office:

(a) through (h) No change.

(i) Endorsements modifying the standard owner’s and mortgagee policy to convert to a leasehold policy previously approved by the Office department.

(j) No change.

Specific Authority 624.308, 627.777, 627.782, 627.793 FS. Law Implemented 624.307(1), 627.777, 627.782, 697.04(1) FS. History–New 9-17-71, Repromulgated 12-24-74, Formerly 4-21.05, Amended 6-25-86, 2-26-90, 2-27-91, Formerly 4-21.005, Amended 2-13-95, Formerly 4-186.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Rice, Insurance Analyst II, Property and Casualty Product Review, Office of Insurance Regulation, E-mail peter.rice@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Director, Property and Casualty Product Review

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

Section III Notices of Changes, Corrections and Withdrawals

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.”

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.3020	Content of Works of the District Development Permit Applications
40B-4.3030	Conditions for Issuance of Works of the District Development Permits
40B-4.3040	Unlawful Use of Works of the District

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. 16, April 20, 2007 issue of the Florida Administrative Weekly.

40B-4.3020 Content of Works of the District Development Permit Applications.

(1)(f) A building plan prepared or submitted by a Florida licensed engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation; and

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(10) Proposed bBoat ramps, seawalls, retaining walls, and rip-rap constructed within a wWork of the dDistrict shall be designed by a Florida licensed engineer. Plans for these structures shall provide for erosion, sedimentation and turbidity control.

40B-4.3040 Unlawful Use of Works of the District.

(4) Damage to works of the district resulting from violations specified in subsections 40B-4.3040(1) through (3), F.A.C., above shall be repaired by the violator ~~to the satisfaction of the district.~~

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.197	Medical Foster Care

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. 14, April 6, 2007 issue of the Florida Administrative Weekly.

A Notice of Change was published in Vol. 33, No. 24, June 15, 2007, issue of the Florida Administrative Weekly. This is a second Notice of Change. This change is in response to written comments received prior to the date of the public hearing.

The rule incorporates by reference the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007. The following change was made to the handbook:

Page 2-8, Initial Service Authorization and Changes in Level of Reimbursement, second paragraph, first sentence. We revised the sentence to read, Changes in Level of Reimbursement for children currently receiving MFC services will be retroactively authorized to the day after the CMAT staffing.