

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Banking

RULE TITLE: Reporting of Significant Events or Conditions  
 RULE NO.: 3C-100.948

PURPOSE AND EFFECT: The proposed amendments will update the rule to conform with legislative changes and to define the term “operating in a safe and sound manner.”

SUMMARY: This rule is being updated to incorporate changes made by Chapter 99-138, Section 2, Laws of Florida; more closely track the language of the authorizing statute; eliminate the requirement for reports from financial institutions operating in a safe and sound manner; eliminate the reference to the original effective date of the authorizing statute; specify the address to which reports must be sent; recognize the substitution of the “Suspicious Activity Report” for the old “Report of Apparent Crime”; and allow for monetary fines for violations but eliminate the requirement for such fines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., April 10, 2000

PLACE: Division of Banking, Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, Suite 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.948 Reporting of Significant Events or Conditions.

(1) Section 655.948, Florida Statutes, requires state financial institutions, not exempted by the Department, to report the occurrence of certain conditions or events within 30 days of the occurrence of the condition or event. Aggregate monthly reports that are received by the Department by the 10th day of each month, covering all reportable events or

occurrences that occurred during the previous month, will satisfy the reporting requirements of this section. All reports required by this rule shall be submitted to: Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. A report will not be required if a reportable event or condition did not occur during the previous month.

(2)(a) "Operating in a safe and sound manner" shall mean any state financial institutions operating with a composite rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a State or Federal regulatory action. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, documents of resolution, letters of understanding and agreement, resolutions adopted at the request of financial institution regulators, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

~~(b) Other financial institutions may request a determination that they are operating in a safe and sound manner by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner. Any such request must include supporting documentation of improvements in the institution and its operations. The request shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy, in a fundamentally sound manner, but which may reflect modest weaknesses or deficiencies that are correctable in the normal course of business. The nature and severity of these weaknesses or deficiencies, however, are not considered material and, therefore, such state financial institutions are stable and able to withstand normal business fluctuations quite well. While areas of weakness could develop into conditions of greater concern, the supervisory response is limited to the extent that minor adjustments are timely resolved and the institution continues to operate in a satisfactory manner. All state financial institutions shall be presumed to be operating in a safe and sound manner unless the state financial institution has been notified by the Department, by certified mail, that it has engaged in unsafe and unsound practices or has operated in an unsafe and unsound condition.~~

(3) As used in this section, a "non-exempt state financial institution" means:

(a) Any state financial institution that was chartered within after July 3, 1992, for a period of three years of the occurrence of an event reportable under paragraph (4) of this rule after said chartering; or

(b) Any state financial institution that is not operating in a safe and sound manner as determined under paragraph (2) of this rule, experienced a change of control after July 3, 1992, for a period of three years after said change of control, except a change of control resulting from a merger, consolidation or acquisition with an exempt state financial institution; or

(c) A state financial institution that has been notified by the Department, by certified mail, that it is not operating in a safe and sound manner.

~~(4) Notwithstanding subsection (3), the Department may exempt certain safe and sound financial institutions from the specific reporting requirements of subsection (6) where such reporting requirements are excessively burdensome upon the financial institution and the benefits of the specific reporting requirement are deemed to be of minimal value in assessing the safety or soundness of the particular financial institution.~~

~~(4)(5) All non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

(a) Any interruption in fidelity insurance coverage;

(b) The failure to meet the minimum daily liquidity requirement specified in Section 658.68, Florida Statutes, and Rule 3C-120.680, F.A.C., on any business day; or

(c) Any suspected criminal act perpetrated against the activity involving a state financial institution, or any of its subsidiaries or service corporations. For purposes of this section, "suspected criminal act activity" shall mean that there is a reasonable basis for believing that a crime has occurred, is occurring, or may occur;

~~(6) In addition to the items listed in subsection (5), all non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

~~(d)(a) The addition, resignation or termination of a director, executive officer, independent internal auditor, or independent credit review officer;~~

~~(e)(b) The acquisition or divestiture disposition of an asset or related or similar assets, which in the aggregate on any single business day totals 20 ~~40~~ percent or more of the state financial institution's capital reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport. Assets listed in Section 657.042(1) or Section 658.67(1), Florida Statutes, Securities issued or guaranteed by any federal governmental agency are exempted from this requirement;~~

~~(f)(e) Any change in the state financial institution's outside general counsel or outside independent auditor;~~

~~(g)(d) Any extension of credit to an executive officer or his related interests that, when aggregated with other extensions of credit to that executive officer or his related interests, exceeds 15 percent of the state financial institution's capital accounts as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport;~~ or

~~(h)(e) The acquisition or reclassification of any earning asset to "non-accrual" status which, when combined with other non-accrual assets, in the aggregate totals 15% or more of the state financial institution's assets as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport;~~ or

(i) The acquisition or divestiture of a wholly owned or majority-owned subsidiary or service corporation.

~~(5)(7) All reportable conditions or events must be disclosed on official letterhead. However, an institution is in compliance with section ~~(4)(5)(c)~~, if it provides the Department with a copy of the federal "Suspicious Activity Report Report of Apparent Crime Form" filed with the appropriate federal regulatory or law enforcement agency. Such report shall constitute proper notice of any suspected criminal activity perpetrated against a financial institution.~~

~~(6)(8) Pursuant to Section 655.041, Florida Statutes, the Department may impose an administrative fine for late filing or non-filing of reportable events or occurrences. For late filing or non-filing of reportable events, the Department may shall impose an administrative fine of \$100 per day for each day the disclosure report is past due as a result of the negligence of the reporting financial institution. For intentional late filing or non-filing of any report, the Department may impose an administrative fine of \$1,000 per day for each day the report is past due.~~

Specific Authority 655.012 FS. Law Implemented 655.948 FS. History—New 11-2-92, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald M. Kelly, Financial Control Analyst, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda B. Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Processing of Applications  
 RULE NO.: 3E-301.002

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV and ADV-W that have been approved by the Securities and Exchange Commission.

SUMMARY: New Forms U-4, U-5, BD, BDW, ADV and ADV-W are being adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.051, 517.081, 517.082, 517.12, 517.161 FS.

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

TIME AND DATE: 11:00 a.m., April 10, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to herein which are incorporated and readopted by this Rule are as follows:

1. DOSIP-S-1-91, Application for Registration of Securities (Revised 10/97);
2. DOSIP-S-7-91, Exhibit 1 (General Issue) (Revised 10/97);
3. DOSIP-S-5-91, Uniform Consent to Service of Process (Revised 1/91);
4. DOSIP-S-6-91, Corporate Resolution (Revised 1/91);
5. DOSIP-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised 1/91);
6. Form BD, Uniform Application for Broker-Dealer Registration (Revised ~~7/99~~ ~~2-98~~);
7. Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~1/99~~ ~~4/94~~);
8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~8/99~~ ~~4/97~~);

9. Form BDW, Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised ~~8/99~~ ~~4/94~~);

10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (Revised ~~1/99~~ ~~4/94~~);

11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~8/99~~ ~~4/97~~);

12. DOSIP Form DA-1-91, Branch Office Registration Form (Revised 4/99);

13. DOSIP Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); and

14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91).

(b) No change.

Specific Authority 517.03(1) FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Financial Control Analyst, Division of Securities  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Recognized Manuals of Securities  
 RULE NO.: 3E-500.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to recognize the change of the publisher of Moody's Manuals from Moody's Investors Service, Inc. to Mergent FIS, Inc. The amendment will also expand the manual exemption to include other formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet.

SUMMARY: The amendment changes the name of the publisher of Moody's Manuals and to expand the exemption to including other formats of Mergent's Manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.061(20)(d) FS.

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

TIME AND DATE: 10:00 a.m., April 10, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Financial Administrator, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-500.010 Recognized Manuals of Securities.

The following publications are hereby approved as recognized securities manuals: "Securities manuals published by Mergent FIS, Inc., and all commonly recognized formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet ~~Moody's Investor's Service, Inc. and securities manuals published by~~ Standard and Poor's Corporation."<sup>2</sup>

Specific Authority 517.03(1) FS. Law Implemented 517.061(20)(d)(17)(a) FS. History--(Formerly 3E-20.21), New 9-20-82, Formerly 3E-500.10, Amended 7-31-91,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Reilly, Financial Administrator, Division of Securities  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLES:	RULE NOS.:
Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser	3E-600.001
Application for Registration as Associated Person	3E-600.002
Changes in Name and Successor Registration Requirements	3E-600.007
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Dealer, Investment Adviser, Branch Office and Associated Persons Forms	3E-600.019

PURPOSE AND EFFECT: The purpose of the proposed amendments is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV, and ADV-W that have been approved by the Securities and Exchange Commission and to make other technical changes and corrections.

SUMMARY: New Forms U-4, U-5, BD, BDW, ADV, and ADV-W are being adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.1205 FS.

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

TIME AND DATE: 11:00 a.m., April 10, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3E-600.001 Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of ~~d~~Dealers, ~~i~~Issuer/~~d~~Dealers, and ~~i~~Investment ~~a~~Advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C. and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, ~~F.S. Florida Statutes~~. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised 7/99 ~~2-98~~). For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/99 ~~1-94~~);

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99 ~~11-97~~), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. For any dealer that is a member of the National Association of Securities Dealers ("NASD"), the application for registration of a principal shall be filed with the Central

Registration Depository (“CRD”) System as set forth in Rule 3E-600.002, F.A.C. However, such dealer must in conjunction with filing its Form BD with the Department provide the Department written notification of the principal’s name, CRD number, and social security number:-

4. Financial ~~s~~Statements and ~~r~~Reports required under Rules 3E-300.002, 3E-600.015, 3E-600.016, and 3E-600.017, F.A.C.;

5. Proof of SEC effective registration. ~~Also~~, Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation;

6. A fully disclosed dealer shall furnish proof of clearing agreements when requested by the Department;

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (DOSIP Form DA-5-91)(Revised 1/91) to meet requirements under Rules 3E-600.004(1)(b), 3E-600.005(2)(d) and 3E-400.002, F.A.C.;

8. and 9. No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall promptly file an amendment on the Form BD or the Form ADV, respectively, correcting such information. For registrants that are a member of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) No change.

(4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, \_\_\_\_\_.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 ~~11-97~~), which is hereby incorporated ~~herein~~ by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. ~~Florida Statutes~~. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier’s office of the Department of Banking and Finance. For dealers that are a member of the National Association of Securities Dealers

(“NASD”), such application shall be filed with the Department through the Central Registration Depository of the NASD in accordance with Rule 3E-600.0091, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99 ~~11-94~~). As used on the Form U-4, the term “Office of Employment Address” shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are a member of the ~~National Association of Securities Dealers~~ (“NASD”), such application shall be filed with the Department through the Central Registration Depository of the NASD.

2. Statutory fee in the amount of \$40 required by Section 517.12(10), F.S.

3. No change.

4. Evidence of examination/disqualifications set forth in Rule 3E-600.005(2), F.A.C.

5. Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 3E-600.006, F.A.C., accompanied by a \$39 processing fee ~~effective January 3, 1994~~. If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.

(c) If the information contained in any Uniform Application Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant’s or registrant’s disciplinary history, in addition to updating the Uniform Application Form U-4, the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administration action initiated against the associated person as provided in Rule 3E-600.010, F.A.C.

(2) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their ~~his~~ registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in Rule 3E-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, \_\_\_\_\_.

3E-600.007 Changes in Name and Successor Registration Requirements.

(1) No change.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Department an amendment to Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99 ~~2-98~~) or Form ADV, Uniform Application for Investment Adviser Registration (Revised 1/99 ~~1-94~~) within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Department when specifically requested by the Department.

(3) through (6) No change.

(7) The changes described in this rule shall be filed with the Department on the following forms:

(a) Uniform Application for Broker-Dealer Registration (Form BD) (Revised 7/99 ~~2-98~~).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Form BDW) (Revised 8/99 ~~1-94~~).

(c) Uniform Application Request for Investment Adviser Registration (Form ADV) (Revised 1/99 ~~1-94~~).

(d) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W)(Revised 1/99 ~~1-94~~).

(e) Uniform Application for Securities Industry Registration or Transfer (Form U-4)(Revised 8/99 ~~1-97~~).

(f) Uniform Termination Notice for Securities Industry Registration (Form U-5)(Revised 8/99 ~~1-97~~).

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-97, 8-9-98.

3E-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) through (4) No change.

(5) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their ~~his~~ registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer or investment adviser may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at the date of license renewal.

(6) The forms to be utilized for providing notice to the Department under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 3E-301.002, F.A.C. Florida Administrative Code, are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) (Revised 1/99 ~~1-94~~).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker Dealer~~ Withdrawal (Form BDW) (Revised 8/99 ~~1-94~~).

(c) Branch Office Registration Form (DOSIP DA-1-91)(Revised 4/99).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5) (Revised 8/99 ~~1-97~~).

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99.

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Person Forms.

The forms prescribed by the Department for use in this Chapter are as follows:

- (1) Form BD Uniform Application for Broker-Dealer Registration (Revised 7/99 ~~2-98~~)
- (2) Form ADV Uniform Application for Investment Adviser Registration (Revised 1/99 ~~1-94~~)
- (3) Form U-4 Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 ~~1-97~~) (Use for application for registration of all associated persons.)
- (4) Form BDW Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised 1/99 ~~1-94~~)
- (5) Form ADV-W Notice of Withdrawal from Registration as Investment Adviser (Revised 1/99 ~~1-94~~)
- (6) Form U-5 Uniform Termination Notice for Securities Industry Registration (Revised 8/99 ~~2-98~~)
- (7) DOSIP Forms:
  - (a) DA-1-91 Branch Office Registration Form (Revised 4/99)
  - (b) DA-5-91 Issuer/Dealer Compliance Form (Revised 1/91)
  - (c) FL921250Z Florida Fingerprint Card (Revised 1/91)

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.19, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Epting, Financial Control Analyst, Division of Securities  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Don B. Saxon, Director, Division of  
Securities  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 21, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 18, 2000

## DEPARTMENT OF INSURANCE

RULE TITLE: Rating Plans: Discounts, Credits, Surcharges  
RULE NO.: 4-170.004

PURPOSE AND EFFECT: This rule is amended to eliminate the annual reporting requirements and defines individual risk differences to encourage competition.

SUMMARY: The amended rule sets guidelines and procedures for determining whether discounts, credits and surcharges in rating plans are not excessive, inadequate or unfairly discriminatory.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 627.062(1)(2) FS.

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

TIME AND DATE: 9:30 a.m., April 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Swisher, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)922-3110, ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-170.004 Rating Plans: Discounts, Credits, Surcharges.

(1) This rule applies to all commercial property and casualty insurance which is subject to Section 627.062(2), Florida Statutes, and which is voluntarily written by an insurer in accordance with a rating plan. It is intended to establish

guidelines and procedures for determining whether discounts, credits, or surcharges applied under a rating plan are producing rates ~~which that~~ are not excessive, inadequate, or unfairly discriminatory. This rule does not apply to workers' compensation and employer's liability insurance, ~~or~~ to private passenger motor vehicle insurance, or to risks that are individually ~~((a))~~ rated (pursuant to Subsection 627.062(3), Florida Statutes), ~~retrospectively rated~~ or subject to excess rate procedures (pursuant to Section 627.171, Florida Statutes).

(2) As used in this rule:

(a) "Rating plan" means ~~the rate manual and~~ any schedule rating plan, experience rating plan, retrospective rating plan, individual risk premium modification plan, rule, procedure, plan, underwriting rule, schedule, or other such device for modifying filed manual rates and rating rules.

(b) "Subjective discount, credit or surcharge plan" means any ~~part of the rating plan that~~ which (i) applies to a specific policy at the discretion of the insurer ~~or the insured~~, or (ii) uses subjective, non-quantifiable standards for determining the rate modification, or (iii) does not specify the exact amount of the modification. ~~Also called rate modification plans, these plans usually provide various risk characteristics or conditions and a range of modification factors which may be applied to the manual rate of a particular insurance risk in recognition of such characteristics or conditions. The effect of the modification factor is to increase (debit) or decrease (credit) the rate to be charged.~~ These plans include, but are not limited to, plans commonly called Schedule Rating Plans and Individual Risk Premium Modification Plans. These plans enumerate a number of individual risk characteristics and a range of modifications or modification factors which may be applied to the otherwise applicable manual rate in order to recognize individual risk characteristics. However, individual risk characteristics shall not include the degree of competition for the risk or the rates which may be offered by other insurers. The effect of the modification is to increase (debit) or decrease (credit) the otherwise applicable manual rate.

(c) "Manual rate" means the rate developed using the filed manual rates and rating procedures from the rating plan prior to the application of any rating subjective discount, credit or surcharge plan. ~~Generally, the manual rate is designed to apply on a generic basis to similar risks and is published in a rate manual by an insurer or rating organization. Package rates produced by application of package modification factors to monoline rates are considered to be manual rates.~~

(d) "Experience rating plan" means any rating plan or part of a rating plan used to modify an otherwise applicable manual rate based on the past loss experience of the individual insured.

(e) "Divisible package policy" means a policy which provides coverage for two or more lines of insurance and involves a premium determination procedure which includes filed rates and rating procedures for the different lines of insurance. "Insurer group" means a group of commonly owned

~~companies, or companies under common management and control that are licensed to write one or more property or casualty lines of business in the State of Florida.~~

(3) All ~~experience~~ rating plans shall clearly define the eligibility standards for the plan as approved by the Department. Experience rating ~~These~~ plans shall be mandatory for all eligible insureds. The eligibility for a subjective discount, credit, or surcharge plan shall depend upon manual premium which shall not be less than \$1000 in manual premium.

(4) Unless otherwise specified in the premium determination rules ~~rating plan~~, concurrent applications of rating plans ~~discounts, credits and surcharges~~ shall be multiplicative in determining the final rate. Unless otherwise specified in a subjective discount, credit, or surcharge plan, concurrent application of discounts, credits, and surcharges shall be additive in the determination of the final debit or credit.

(5)(a) An insurer utilizing a subjective discount, credit, or surcharge plan on a particular policy shall maintain documentation which supports the rate modification. Appropriate documentation may include, but is not limited to, loss control reports, inspection reports, financial analyses, photographs, and safety plans. Documentation must be maintained for five years. The modification shall remain in effect for all the renewals of that policy or for any replacement policy. If the insurer changes the modification upon renewal or replacement of that policy, the insurer shall maintain appropriate documentation of the revised modification and justify the change in the modification. Documentation for the change must be maintained for five years. Application of subjective discount, credit, or surcharge plans to a specific policy shall be based on "informed" judgment which is supported in the file by appropriate documents, e.g., a loss control report, financial analysis, inspection reports, photographs, and the insured's formal safety plans.

(b) All subjective rating for a particular line of insurance shall be consolidated into a single subjective discount, credit, or surcharge plan. The maximum debit or credit for any individual policy developed by a subjective discount, credit, or surcharge plan shall not exceed 25%. For an individual insured, the total effect of application of subjective discount, credit or surcharge plans may not result in a debit or credit of more than 25% on any policy with an effective date on or after October 1, 1991.

(c) A credit given under a subjective discount, credit, or surcharge plan may not result in modified premium which is less than the premium that made the risk eligible for the subjective discount, credit, or surcharge plan.

(d) Where an experience rating plan or a discount, credit, or surcharge plan is to be used with a divisible package policy, the rating plans shall be applied to each monoline piece.

(6) Subparagraph 627.062(2)(e)6., Florida Statutes, requires premium discounts, credits, or surcharges to bear a reasonable relationship to the expected loss and expense experience among various groups of risks. For policies which have received a premium modification under a subjective discount, credit, or surcharge plan, the insurer shall maintain documentation by line of business showing the policy number, the otherwise applicable manual premium for that policy, the premium debit or credit for that policy, and the incurred loss experience for that policy. For each policy year for each line of business, the insurer shall determine the loss ratio for all policies which have received a premium debit under the subjective discount, credit or surcharge plan, the loss ratio for all policies which have received a premium credit under the subjective discount or surcharge plan, and the loss ratio for all policies which received neither a debit or a credit under the subjective discount, credit, or surcharge plan. The insurer shall maintain such documentation for department inspection and review. A subjective discount, credit, or surcharge plan which does not bear a reasonable relationship among loss ratios for the debit group, the credit group, and the non-debit/credit group shall be deemed unfairly discriminatory.

~~(a) Each insurer (or insurer group if group reporting is necessary and has been approved by the Department) shall report information on Form DI4-378, "Application of Subjective Discounts, Credits, Surcharges and Experience Rating Reporting Form," rev. 1/91, which, with its Instructions, is hereby adopted and incorporated by reference, to enable the Department to monitor the relationship of aggregate premium actually charged policyholders by each insurer or insurer group to the premium that would have been charged by application of the insurer's filed manual rates. The form may be obtained from the Bureau of Property and Casualty Rate and Reserve Analysis, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0300. The report is due on or before April 1st of each year, beginning with the 1991 report which is due April 1, 1992. Semi-annual reports for calendar year 1990 under this rule that became effective in 1988 continue to be due on October 1, 1990 and April 1, 1991. Insurers reporting on a group basis shall include a listing of the companies included in the group and the written premiums in Florida for each company for the line or lines of insurance being reported. Failure to file reports on time will result in administrative sanctions pursuant to Section 624.418(2)(a), Florida Statutes, which provides that the Department may take action against any insurer which violates any rule of the Department. A form which is not complete will be considered a failure to report on time.~~

~~(b) The Department may require the information reported on Form DI4-378 to be submitted in a specified computer-readable form in place of the format provided on the present DI4-378 reporting form.~~



(e) Any insurer with an insignificant number of policies and/or premium volume written under a rating plan in this state may be exempted from reporting on Form DI4-378 by completing and submitting Form DI4-DCS, "Florida — Discounts, Credits, Surcharges/Exemption — Rule 4-72.004," rev. 1/91, which is hereby adopted and incorporated by reference. The exemption shall be requested annually and shall not be effective until the insurer has received approval from the Department. The form may be obtained from and shall be submitted to the Bureau of Property and Casualty Rate and Reserve Analysis, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, Florida 32399-0300. An insurer with \$250,000 or less in annual written premiums for a specific line of business reported under this rule written on Florida risks will be approved without the need for further justification. However, for amounts greater than \$250,000 or for numbers of policies of 50 or more, the insurer shall attach further information to justify a determination of "insignificant."

(d) Any insurer with no business written under a rating plan in this state need not submit Form DI4-378 to the Department for any future reporting period but must advise the Department of this fact in writing.

(7)(a) Except as permitted under Section 627.171, Florida Statutes, Excess Rates, if the combined effect of modifications for any line as shown in Column B on Form DI4-378 shows a departure from the manual rate in excess of plus or minus 5% for the current reporting period, the insurer shall limit the application of subjective discounts, credits or surcharges for that line to plus or minus 15% on an individual policy basis beginning not more than 120 days after the notification is sent to the insurer by the Department. For the next full reporting period, if the total departure from the manual rates continues to exceed plus or minus 5%, the insurer shall limit the application of subjective credits or surcharges for that line to plus or minus 5% on an individual policy basis, beginning not more than 120 days after the notification is sent by the Department, until the departure from manual rates does not exceed plus or minus 5% for one full reporting period.

(b) Use of the full range of subjective discount, credit or surcharge plans for the line may resume as specified in subsection (5)(b), above, only when the insurer has experienced for one full reporting period results which are within the prescribed total limits guidelines, for the line as shown in Column B on Form DI4-378, as adopted in this rule.

(8) The effect on manual premiums of experience rating and subjective rating shall be excluded when calculating indicated manual rates and manual rate changes unless it can be shown that their inclusion does not result in excessive, inadequate or unfairly discriminatory rates.

(9)(a) For filings submitted after January 1, 1994 for any line shown on Form DI4-378, adequate supporting information which is acceptable to the Department shall be submitted with

every annual base rate filing required under Section 627.0645 and every rate filing subject to subsection (8), above, substantiating that the relationship between subjective discount, credit or surcharge rate modifications and the expected loss and expense experience for the exposures is such that the subjective discount, credit or surcharge plans do not result in excessive, inadequate or unfairly discriminatory rates. The information provided must include an analysis of the experience resulting from the application of the subjective discount, credit or surcharge plan. Insurers or insurer groups must maintain the necessary experience, including the premiums, paid losses, reserved losses, and allocated loss adjustment expenses paid or reserved for analysis. Insurers who are affiliated with a licensed rating organization for filing purposes and use the rating organization's schedule rating plan may rely upon that organization to file annually on their behalf the information required under subsection (9), paragraph (a). The experience must be accumulated in at least three categories, including debit rated risks, credit rated risks, and risks rated at the manual level. Generally accepted actuarial procedures shall be used in the analysis of this experience.

(b) If an insurer lacks sufficient data for full credibility it may use data from other states or industry data to the extent needed to give credible results when making the analysis in (a) above. Insurers which have not exceeded the guidelines specified in (7)(a), above, for the reporting period immediately preceding the submission of an annual base rate filing need not include in the filing the supporting information specified in (9)(a).

(c) Failure to prove that a subjective discount, credit or surcharge plan does not result in excessive, inadequate or unfairly discriminatory rates will result in disapproval of such plan.

(10) If an insurer fails to comply with the provisions of this rule, the department is authorized by Florida Statutes:

(a) to suspend or revoke the certificate of authority of the insurer, under the provisions of Section 624.418(2), F.S.; or,

(b) in lieu of such discretionary suspension or revocation, to impose a fine and require restitution, pursuant to the provisions of Section 624.4211, F.S. Fines for willful violations may be as much as \$100,000.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.062(1),(2) FS. History—New 5-19-88, Amended 6-9-91, Formerly 4-72.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Swisher

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Roddenberry, Chief, Bureau of Property & Casualty Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: November 24, 1999

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 990994-TP

RULE TITLES:	RULE NOS.:
Definitions	25-4.003
Customer Billing for Local Exchange Telecommunications Companies	25-4.110
Refusal or Discontinuance of Service by Company	25-4.113

**PURPOSE AND EFFECT:** The proposed rule amendments identify the types of information that billing entities must place on customer's telephone bills. The effect is that customers will be able to better review and understand all the charges that appear on their bills. Terminology for taxes and fees appearing on the bills will be standardized across the telecommunication industries in Florida. This standardization will help consumers as well as help regulatory personnel in understanding the various components of a customer's bill. In the alternative, companies must provide to the customer a plain language explanation of any line item or applicable tax, fee and surcharge. In addition, the customer will be provided the name of the originating party and the toll-free telephone number of the originating party or its customer service agent for charges appearing on the bill. This will provide customers the option to make contact with the originating parties should there be a billing dispute. A billing party, upon request from a customer, must restrict charges on its bills to only a) those charges that originate from the billing party itself, a governmental agency, and the customer's presubscribed local-toll and long distance carrier(s), and b) collect calls, third party calls, customer dialed calls, and calls made using a 10-10-xxx calling pattern. The effect of this proposed amendment is that customers will have an option to be billed only for telecommunications type services, thus the opportunities for companies fraudulently adding unrelated charges to a customer's telephone bill will be greatly reduced. Upon notification by the customer, billing parties must immediately credit charges for products or services that were not ordered or were not received by the customer. The anticipated effect is that the originating party initiating the charge will not separately bill the customer, particularly if the charges are not valid. Florida residents should see a reduction in the number of attempts by originating parties to bill fraudulent charges on their telephone bills. The rule amendments require that a customer's Lifeline local service may not be discontinued by a telecommunications provider if the changes, taxes, and fees related to the Lifeline local service have been paid by the customer. The effect is that Lifeline customers will be protected from disconnection in the event that charges for services or products other than Lifeline local service are not paid by the customer.

**SUMMARY:** Revisions to Rule 25-4.003, FAC., include definitions for billing party, information service, and originating party as provided in Section 364.602, F.S., Definitions. Amendments to Rule 25-4.110, FAC., Customer Billing for Local Exchange Telecommunications Companies, require a billing party to clearly identify on its bill the name and toll-free customer service number of the originating party; the telecommunications service or information service billed; and the specific charges, taxes and fees associated with each telecommunications or information service. The proposed rule amendments require that charges on the customer's bill be identified by standard and uniform labels for the telecommunications industry in Florida and that the terminology for Federal regulated taxes, fees, and surcharges must be consistent with the FCC's required terminology. As an alternative to companies providing the Florida standard labels, companies must provide a plain language explanation of any line items and applicable tax, fee and surcharge. The proposed amendments also include requirements to state the TASA surcharge and 911 fee on all bills rendered. Additionally, the proposed rule amendments require a billing party to provide credit and remove the charge from a customer's bill if the customer notifies the billing party that he did not order an item or was not provided a service appearing on the bill. Originating parties are not prohibited from direct billing customers. The proposed rule amendments will give customers the right to restrict the types of charges that can be placed on their bills and requires billing parties to notify customers of this right. Proposed amendments to Rule 25-4.113, FAC., Refusal or Discontinuance of Service by Company prevents telecommunication companies from discontinuing a customer's Lifeline local service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone multi-frequency dialing, "911", and relay services are paid.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The only section that appears to pose substantial costs remaining is the charge blocking for certain calls, Rule 25-4.110(19). Companies estimated that it would cost \$4.68 million to \$7.17 million to implement this requirement and \$250,000 per year thereafter. However, companies would have a year to make changes to their systems and could possibly mitigate these costs by rolling them in with other modifications to their systems. Companies would have to give more detailed explanations to their customers concerning items on the bill which could increase customer service costs somewhat. These costs are unknown at this time. Other proposed changes to the rules would cost an estimated \$109,500 initially and approximately \$1 million per year, thereafter.

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

SPECIFIC AUTHORITY: 350.127, 350.127(2), 364.604(5), 427.704(8) FS.

LAW IMPLEMENTED: 350.113, 364.01, 364.02, 364.03, 364.05, 364.17, 364.19, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.604, 427.04 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.003 Definitions.

For the purpose of Chapter 25-4, the definitions to the following terms apply:

(1) No change.

(2) "Alternative Local Exchange Telecommunications Company (ALEC)." Any ~~telecommunications~~ company, ~~as defined in Section 364.02(1), Florida Statutes~~ certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(3) No change.

(4) "Billing Party." Any telecommunications company that bills an end user consumer on its own behalf or on behalf of an originating party.

(4) through (17) renumbered (5) through (18) No change.

(19) "Information Service." Telephone calls made to 900 or 976 type services, but does not include Internet services.

~~(20)(18)~~ No change.

~~(21)(19)~~ "Interexchange Company (IXC)." Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDA as defined in subsection ~~(37)(35)~~ of these definitions.

(20) through (37) renumbered (22) through (39) No change.

(40) "Originating Party." Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party"

does not include any entity specifically exempted from the definition of "telecommunications company" as provided in s. 364.02(12).

(38) through (56) renumbered (41) through (59) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 7-20-98, 12-28-98, 2-1-99, \_\_\_\_\_.

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.

(2) Six months after the effective date of this rule, each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.

(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.

(c) Each charge shall be described under the applicable originating party heading.

(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill as (including but not limited to) "Florida gross receipts tax," "Franchise fees," "Municipal utility tax," and "Sales tax," and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.

(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.

(e) If each recurring charge due and payable is not itemized, each bill shall show the delinquent date, set forth a clear listing of all charges due and payable, and contain the following statement:

"Further written itemization of local billing available upon request."

(3)(a) Each LEC shall provide an itemized bill for local service:

(a)1. With the first bill rendered after local exchange service to a customer is initiated or changed; and

(b)2. To every customer at least once each twelve months.

(4)(b) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Telecommunications for prior approval. The itemized bill provided to residential customers and to business customers with less than ten ~~10~~ access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten ~~10~~ or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

1. through 8. renumbered (a) through (h) No change.

(5)(c) All ~~Each~~ bills rendered by a local exchange company shall clearly:

1. ~~Separately~~ state the following items:

(a)1. Any discount or penalty The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party, if applicable

(b)2. Past due balance;

(c)2. ~~Items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment; Unregulated charges, identified as unregulated~~

(d)3. ~~Long-distance monthly or minimum charges, if included in the bill;~~

(e)4. ~~Long-distance usage charges, if included in the bill; Franchise fee, if applicable; and~~

(f)5. ~~Usage-based local charges, if included in the bill;~~

(g) ~~Telecommunications Access System Surcharge, per Rule 25-4.160(3); Taxes, as applicable on purchases of local and long distance service; and~~

(h) ~~"911" fee per Section 365.171(13), Florida Statutes; and~~

(i) ~~Delinquent date.~~

2. ~~Contain a statement that nonpayment of regulated charges may result in discontinuance of service and that the customer may contact the business office (at a stated number) to determine the amount of regulated charges in the bill.~~

(2) through (9) renumbered (6) through (13) No change.

(14)(10) ~~After January 1, 1999, or six months after the effective date of this rule, whichever is later, All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:~~

(a) through (c) No change.

(15)(11) ~~No change.~~

(a) through (g) No change.

(16)(12) ~~Companies that bill for local service must provide notification with the customer's first bill or The customer must be notified via letter, or on the customer's first bill and annually thereafter that a PC Freeze is available. Existing customers must be notified by January 1, 1999, or six months after the effective date of this rule, whichever is later, and annually thereafter that a PC Freeze is available.~~

(17)(13) ~~By January 1, 1999, or six months after the effective date of this rule, whichever is later, The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

(18) ~~If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:~~

(a) ~~Charges that originate from:~~

1. ~~Billing party or its affiliates;~~

2. ~~A governmental agency;~~

3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

(b) Charges associated with the following types of calls:

1. Collect calls;

2. Third party calls;

3. Customer dialed calls; and

4. Calls using a 10-10-xxx calling pattern.

(19)(a) Within one year of the effective date of this rule and upon request from any customer, a billing party must restrict charges in its bills to only:

1. Those charges that originate from the following:

a. Billing party or its affiliates;

b. A governmental agency;

c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

2. Those charges associated with the following types of calls:

a. Collect calls;

b. Third party calls;

c. Customer dialed calls; and

d. Calls using a 10-10-xxx calling pattern.

(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.

(c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S., are exempted from this subsection.

(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS. History--New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 7-20-97, 12-28-98, \_\_\_\_\_.

25-4.113 Refusal or Discontinuance of Service by Company.

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

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3), provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company, nor discontinue a customer's Lifeline local service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and relay service

are paid. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) through (5) No change.

Specific Authority 350.127, 427.704(8) FS. Law Implemented 364.03, 364.19, 364.604, 427.704 FS. History--New 8-1-55, Amended 12-1-68, 3-31-76, 10-25-84, 10-30-86, 1-1-91, 9-17-92, 1-11-93, 1-25-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 990994-TP

RULE TITLES:	RULE NOS.:
Customer Relations; Rule Incorporated	25-24.490
Customer Relations; Rules Incorporated	25-24.845

PURPOSE AND EFFECT: Upon notification by the customer, billing parties must immediately credit charges for products or services that were not ordered or were not received by the customer. The anticipated effect is that the originating party initiating the charge will not separately bill the customer, particularly if the charges are not valid. Florida residents should see a reduction in the number of attempts by originating parties to bill fraudulent charges on their telephone bills. The rule amendments require that a customer's Lifeline local service may not be discontinued by a telecommunications provider if the changes, taxes, and fees related to the Lifeline local service have been paid by the customer. The effect is that Lifeline customers will be protected from disconnection in the event that charges for services or products other than Lifeline local service are not paid by the customer.

SUMMARY: The proposed amendments to Rule 25-24.490, FAC., Customer Relations; Rules Incorporated, identify the subsections of Rule 25-4.110, FAC., Customer Billing for Local Exchange Telecommunications Companies, that are applicable to interexchange companies. The proposed amendments to Rule 25-24.845, FAC., Customer Relations; Rules Incorporated, identify the subsections of Rule 25-4.110, FAC., Customer Billing for Local Exchange Telecommunications Companies, that are applicable to alternative local exchange companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No substantial estimated regulatory costs were reported for these proposed rule amendments.

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

SPECIFIC AUTHORITY: 350.127(2), 364.337(2), 364.604(5) FS.

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.603, 364.19, 364.337, 364.337(2), 364.602, 364.604 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXCs.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections <u>(14), (15), (17), (18), and (20)</u> <del>(19), (11), (12), and (13)</del>
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) through (3)(f) No change.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.603, 364.19, 364.337, 364.602, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 7-20-98, 12-28-98,

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym 'LEC' should be omitted or interpreted as 'ALEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections <u>(14), (15), (16), (17), (18), and (20)</u> <del>(19)</del>
24-4.118	Local, Local Toll, or Toll Provider Selection	<del>(11), (12)</del> and <del>(13)</del> All

Specific Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.337(2), 364.602, 364.604 FS. History—New 7-20-98, Amended 12-28-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 990994-TP

RULE TITLES: Customer Relations; Rule Incorporated  
Customer Relations; Rules Incorporated

RULE NOS.: 25-24.490  
25-24.845

PURPOSE AND EFFECT: The proposed rule amendments identify the types of information that billing entities must place on customer's telephone bills. The effect is that customers will be able to better review and understand all the charges that appear on their bills. Terminology for taxes and fees appearing on the bills will be standardized across the telecommunications industries in Florida. This standardization will help consumers as well as help regulatory personnel in understanding the various components of a customer's bill. In the alternative, companies must provide to the customer a plain language explanation of any line item or applicable tax, fee, and surcharge. In addition, the customer will be provided the name of the originating party and the toll-free telephone number of the originating party or its customer service agent for charges

appearing on the bill. This will provide customers the option to make contact with the originating parties should there be a billing dispute. A billing party, upon request from a customer, must restrict charges on its bills to only a) those charges that originate from the billing party itself, a governmental agency, and the customer's presubscribed local-toll and long distance carrier(s), and b) collect calls, third party calls, customer dialed calls, and calls made using a 10-10-xxx calling pattern. The effect of this proposed amendment is that customers will have an option to be billed only for telecommunications type services, thus the opportunities for companies fraudulently adding unrelated charges to a customer's telephone bill will be greatly reduced. Florida residents should see a reduction in the number of attempts by originating parties to bill fraudulent charges on their telephone bills.

**SUMMARY:** The proposed amendments to Rule 25-24.490, FAC., Customer Relations; Rules Incorporated, identify the subsections of Rule 25-4.110, FAC., Customer Billing for Local Exchange Telecommunications Companies, that are applicable to interexchange companies. The proposed amendments to Rule 25-24.845, FAC., Customer Relations; Rules Incorporated, identify the subsections of Rule 25-4.110, FAC., Customer Billing for Local Exchange Telecommunications Companies, that are applicable to alternative local exchange companies.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No substantial estimated regulatory costs were reported for these proposed rule amendments.

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

**SPECIFIC AUTHORITY:** 350.127(2), 364.337(2), 364.604(5) FS.

**LAW IMPLEMENTED:** 364.03, 364.14, 364.15, 364.603, 364.19, 364.337, 364.337(2), 364.602, 364.604 FS.

**WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.**

**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:** Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXC's.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections <u>(14), (15), (17), (18), and (20)</u> <del>(+0) (+1), (+2), and (+3)</del>
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) through (3)(f) No change.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.603, 364.19, 364.337, 364.602, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 7-20-98, 12-28-98, \_\_\_\_\_.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym 'LEC' should be omitted or interpreted as 'ALEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections <u>(14), (15), (16), (17), (18), and (20)</u> <del>(+0) (+1), (+2), and (+3)</del>
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.337(2), 364.602, 364.604 FS. History—New 7-20-98, Amended 12-28-98, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Ray Kennedy

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Florida Public Service Commission  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 1, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 27, 1999

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired

should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Determination of Credit When Inmate is Released in Error  
RULE NO.: 33-601.604

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines and procedures for the determination of whether an inmate is due credit for the time out of custody when the inmate has been released in error.

SUMMARY: The proposed rule provides guidelines and procedures for the determination of whether an inmate is due credit for the time out of custody when the inmate has been released in error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275 FS.

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

TIME AND DATE: 9:00 a.m. April 19, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) When an inmate is released in error (prior to satisfaction of the sentence) either by the court, county facility or the Florida Department of Corrections and the release is brought to the attention of the Department, the facts surrounding the release will be collected.

(2) If and when the inmate is returned to the department, the inmate will be interviewed by the classification staff to obtain the inmate's version of the release.

(3) A fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody when released in error through no fault of the inmate.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Medical Gas Certification  
RULE NO.: 61G4-15.031

PURPOSE AND EFFECT: The purpose of Rule 61G4-15.031 is to require all licensed plumbing contractors who wish to engage in the business of medical gas systems shall take and successfully complete six (6) hours of medical gas systems related continuing education courses.

SUMMARY: Medical Gas Certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 489.108, 489.1136 FS.

LAW IMPLEMENTED: 489.1136 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.031 Medical Gas Certification.

(1) Licensed plumbing contractors, as described in Section 489.1136(1)(a), F.S., engaged in, or who wish to engage in, the business of medical gas systems pursuant to Section 489.1136, F.S., shall take and successfully complete six (6) hours of medical gas system related continuing education courses one time from an instructional entity, which is incremental and incidental to the plumbing industry, and whose course has been approved by the Board. The one time six (6) hours of Board approved medical gas system continuing education courses shall be required in accordance with the National Fire Prevention Association (NFPA) Standard 99C ("Standard on Gas and Vacuum Systems"), latest edition, as adopted by the Florida State Fire Marshall and the American Society of



Sanitary Engineers (ASSE) Series 6000 (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition approved by the Board, as incorporated herein by reference to augment those issues addressed by the NFPA Standard 99C relative to medical gas.

(2) The Board shall approve only those courses submitted by an instructional entity, which is incremental and incidental to the plumbing industry, and which teaches familiarity with the National Fire Prevention Association (NFPA) Standard 99C (“Standard on Gas and Vacuum Systems”), latest edition, as adopted by the Florida State Fire Marshall and the American Society of Sanitary Engineers (ASSE) Series 6000 (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition approved by the Board, as incorporated herein by reference to augment those issues addressed by the NFPA Standard 99C relative to medical gas. Such instructional entity shall utilize the NFPA Standard 99C and ASSE Series 6000 to teach familiarity and practical ability in regards to medical gas systems as described in Section 489.1136, F.S., for all such installations, improvements, repairs and maintenance of medical gas systems.

(3) Any instructional entity providing a Board approved medical gas course shall issue a certificate of completion of such course(s) to the student who has successfully completed each Board approved course. Such certificate(s) shall be available for inspection by any entity or person seeking to have the contractor engage in the business of medical gas.

(4)(a) Any natural person employed by a licensed plumbing contractor to supervise work on medical gas systems as specified in Section 489.1136(1)(b), F.S., or who wishes to perform brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system, shall take and complete a thirty-two (32) hour course on medical gas systems. Such course shall be Board approved and shall consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association (NFPA) Standard 99C (“Standard on Gas and Vacuum Systems”), latest edition as adopted by the Florida State Fire Marshall, and the American Society of Sanitary Engineering (ASSE) Series 6000. (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition approved by the Board, as incorporated herein by reference to augment those issues addressed by the NFPA Standard 99C relative to medical gas.

(b) Any other natural person who wishes only to perform brazing duties incidental to medical gas systems as specified in Section 489.1136(1)(c), F.S., shall pass an examination from a test approved by the Board. Such test shall include a practical examination based on the American Society of Mechanical Engineers (ASME) Section IX or on the American Welding Society (AWS) – B2.2, as approved by NFPA Standard 99C.

(5) Instructional entities seeking provider status from the Board in order to provide courses in medical gas systems training shall be entities incremental and incidental to the plumbing industry and shall demonstrate to the Board their qualifications to provide such courses, including classroom and practical work on medical gas systems in compliance with Section 489.1136, F.S., and all sections of this rule. Such instructional entities seeking provider status shall make application to the Board using Form DBPR/CILB/057, as provided in Chapter 61G4-12.006, Florida Administrative Code.

(6) Individuals seeking instructor status from the Board in order to teach courses in medical gas systems as approved for a Board approved provider shall be licensed plumbing contractors, or employees of a licensed plumbing contractor for at least five (5) years employment and certified in medical gas systems by the Board. Such individuals seeking instructor status shall make application to the Board using Form DBPR/CILB/057 as provided in Chapter 61G4-12.006, Florida Administrative Code.

(7) The training required under this section for current licensees must be completed by October 1, 2000.

(8) It is the responsibility of the licensed plumbing contractor to be sure that any members of his or her workforce required to be qualified under Section 489.1136, F.S., are in compliance with that law. Such a contractor is subject to discipline under Section 489.129, F.S., for any violation of this law pursuant to Section 489.1136(1)(a), F.S.

(9) It is the responsibility of the licensed plumbing contractor to be sure that on any job site where a medical gas system is being installed, improved, repaired or maintained that a person certified pursuant to Section 489.1136(1)(a) or (1)(b), F.S., is present. It is the responsibility of the licensed plumbing contractor to be sure that on any medical gas system job site where brazing work is being performed by a person certified under Section 489.1136(1)(c), F.S., that a person certified under Section 489.1136(1)(a) or (1)(b), F.S., is present.

Specific Authority 489.108, 489.1136 FS. Law Implemented 489.1136 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License  
 RULE NO.: 64B3-8.002

PURPOSE AND EFFECT: The Board proposes the amendment to address the change of status fee.

SUMMARY: The proposed rule amendment sets forth criteria for the change of status fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated 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: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

- (1) No change.
- (2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education or reexamination requirements of subsection (3) of this rule and:
  - (a) pays the active status fees of Rule 64B3-9.004, F.A.C., ~~and for each biennium during which the license was inactive;~~
  - (b) No change.
  - (c) pays, if applicable, the processing fee of Rule 64B3-9.010, F.A.C.; ~~and~~
  - (d) pays the change of status fee of Rule 64B3-9.013, F.A.C.
- (3) through (4) No change.

Specific Authority 455.711, 483.805(4), 483.819 FS. Law Implemented 455.711, 483.817 FS. History--New 2-22-94, Formerly 61F3-8.002, Amended 8-25-94, 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended 9-12-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Organization  
 RULE NO.: 64B8-50.002

PURPOSE AND EFFECT: The Electrolysis Council recommended that the Board of Medicine remove a rule provision that is not needed because it is inaccurate and the correct information is contained in § 478.44(2), Fla. Stat.

SUMMARY: This rule is already covered in the Florida Statutes.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.534(3), 478.43(1) FS.

LAW IMPLEMENTED: 455.534(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-50.002 Organization.
- ~~(1) Qualifications. The Council shall consist of three members appointed by the Board.~~
- ~~(1)(2)~~ No change.
- ~~(2)(3)~~ No change.

Specific Authority 455.534(3), 478.43(1) FS. Law Implemented 455.534(3) FS. History--New 5-31-93, Formerly 21M-75.002, Amended 11-16-93, Formerly 61F6-75.002, 59R-50.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application for Examination	64B10-11.001
Examination for Licensure	64B10-11.002
Reexamination	64B10-11.003
Examination Review Procedures	64B10-11.004

**PURPOSE AND EFFECT:** The Board has determined that new rule text is necessary to further clarify applications for examination and to delete unnecessary language in Rule 64B10-11.001. Rule 64B10-11.002 is being amended to add the relative weight to be assigned and unnecessary rule text is being deleted. The Board has determined that Rule 64B10-11.003 should be amended to further clarify reexamination. Rule 64B10-11.004 is being amended to update the examination review procedures.

**SUMMARY:** The Board is amending Rule 64B10-11.001 to update the rule text with regard to applications and unnecessary rule text is being deleted. Rule 64B10-11.002 requires amendments to strike rule text that is no longer needed and the relative weight is being included to further clarify the examination for licensure. The Board proposes to amend Rule 64B10-11.003 to include language which specifies when applications will be considered by the Board. Rule 64B10-11.004 is being amended to further clarify the examination review procedures.

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

Any person who wishes to provide information regarding the statement of estimated 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:** 455.574, 455.604(7), 468.1685(1),(2), 468.1695(1) FS.

**LAW IMPLEMENTED:** 455.574, 455.604(6), 468.1685(2), 468.1695(1) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

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

64B10-11.001 Application for Examination.

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the Department of Health to take the licensure examination. The application shall be made on a form prepared and furnished by the Department. All

applications for licensure must be submitted to the Board office at least 90 days prior to the administration of the examination. Otherwise, the application shall be considered for the next examination administration.

~~(2) In addition to meeting the requirements of Section 468.1695, F.S., and this rule, an applicant must demonstrate he or she is of good moral character prior to certification for the examination. This demonstration shall include providing three (3) notarized certificates of Moral Character, incorporated herein by reference, to the Board as part of the required application.~~

~~(2)(3)~~ No change.

Specific Authority 455.604(7), 468.1685(1),(2), 468.1695(1) FS. Law Implemented 468.1685(2), 468.1695(1), 455.604(6) FS. History—New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97., Formerly 59T-11.001, Amended.

64B10-11.002 Examination for Licensure.

(1) The Board approves the Nursing Home Administrators Examination developed and administered by the National Association of Boards of Examiners of Nursing Home Administrators and specifies that this examination will be Part I of the examination administered by the Department of Health for the purposes of licensing.

~~(2) Part I is a written examination which measures competency in the following subject areas (with relative weights as stated):~~

- ~~(a) resident care management (16%);~~
- ~~(b) personnel management (13%);~~
- ~~(c) financial management (21%);~~
- ~~(d) environmental management (11%);~~
- ~~(e) regulatory management (19%); and~~
- ~~(f) organizational management (20%).~~

~~(2)(3)~~ No change.

(3)(a) Part II of the examination is also written and shall consist of sixty questions on those laws and regulations of the State of Florida which govern the operation of nursing homes. A raw score of forty-five, which equals seventy-five percent, is necessary to achieve a passing score on Part II.

(b) The following areas shall be tested on Part II of the examination and will be weighted approximately as designated:

<u>STATUTE/RULE</u>	<u>ASSIGNED WEIGHT</u>
<u>Chapter 400, Florida Statutes</u>	<u>32%</u>
<u>(Nursing Home and Related Health Care Facilities)</u>	
<u>Chapter 59A-4, Florida Administrative Code</u>	<u>25%</u>
<u>(Minimum Standards For Nursing Homes)</u>	
<u>Chapter 64E-11, Florida Administrative Code</u>	<u>15%</u>
<u>(Food Hygiene)</u>	
<u>Chapter 765, Florida Statutes</u>	<u>8%</u>
<u>(Health Care Advance Directives)</u>	
<u>Chapter 64E-16, Florida Administrative Code</u>	<u>5%</u>

(Biomedical Waste)

Chapter 468, Part II, Florida Statutes 5%

(Nursing Home Administration)

Chapter 64B10, Florida Administrative Code 5%

(Board of Nursing Home Administrators)

Chapter 415, Florida Statutes 5%

(Adult Protective Services)

~~(4) Part II of the examination is also written and shall consist of sixty questions on those laws and regulations of the State of Florida which govern the operation of nursing homes. A raw score of forty-five, which equals seventy-five percent, is necessary to achieve a passing score on Part II.~~

~~(4)~~(5) No change.

Specific Authority 455.574(1), 468.1685(1), 468.1695(1) FS. Law Implemented 455.574(1), 468.1695(1) FS. History—New 12-26-79, Amended 3-1-82, 7-29-82, Formerly 21Z-11.02, Amended 1-18-87, 6-2-87, 12-3-90, Formerly 21Z-11.002, 61G12-11.002, Amended 7-16-95, Formerly 59T-11.002, Amended \_\_\_\_\_.

64B10-11.003 Reexamination.

(1) through (3) No change.

(4) The deadline for completed applications and fees is 40 days prior to each examination for which the application is submitted. Otherwise, the application shall be considered for the next examination administration.

Specific Authority 455.574(2), 468.1685(1) FS. Law Implemented 455.574(2) FS. History—New 12-26-79, Amended 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended \_\_\_\_\_.

64B10-11.004 Examination Review Procedures.

(1) An applicant is entitled to review his or her examination questions, answers, papers, grade, and the grading key of Part II of the examination. ~~used~~ An examination review shall be conducted in accordance with Rule 64B-1.013, F.A.C.

(2) Actual ~~The actual~~ costs of the examination review shall be paid ~~borne~~ by the applicant.

Specific Authority 455.574(2), 468.1685 FS. Law Implemented 455.574(2) FS. History—New 12-26-79, Amended 6-14-82, Formerly 21Z-11.04, Amended 3-15-90, Formerly 21Z-11.004, 61G12-11.004, Amended 9-13-95, Formerly 59T-11.004, Amended 8-11-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Payment for Duplicating Licenses, Certificates, and Permits

RULE NO.: 64B10-12.0021

PURPOSE AND EFFECT: The Board is amending this rule to include language for licensees who wish to obtain wall certificates and duplicate wall certificates along with the fee amount.

SUMMARY: The Board finds it necessary to amend this rule to address wall certificates and duplicate wall certificates and the fee amount to be paid.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.587(6), 468.1685(1) FS.

LAW IMPLEMENTED: 455.587(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.0021 Payment for Duplicating Licenses, Certificates, and Permits.

(1) The fee for issuance of a duplicate license is \$25.00.

(2) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting their request to the Board along with a \$25.00 fee.

(3) The fee for issuance of a duplicate wall certificate is \$25.00.

Specific Authority 468.1685(1), 455.587(6) FS. Law Implemented 455.587(6) FS. History—New 12-30-90, Formerly 21Z-12.0021, 61G12-12.0021, Amended 5-26-97, Formerly 59T-12.0021, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Reactivation of Inactive License  
 RULE NO.: 64B10-13.300

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete rule text that is no longer necessary.

SUMMARY: The Board finds it necessary to amend this rule by deleting subsection (7)(a) of this rule because the language is no longer needed.

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

Any person who wishes to provide information regarding the statement of estimated 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: 468.1685(1), 468.1725(2), 455.711 FS.

LAW IMPLEMENTED: 468.1725, 455.711 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

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

64B10-13.300 Reactivation of Inactive License.

(1) through (6) No change.

(7) The Department shall not reactivate the license of any licensee who has:

~~(a) Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to § 468.1755, F.S.~~

~~(b) failed~~ Failed to comply with the provisions of § 455.604, F.S., and Rule 64B10-15.001(8), F.A.C.

Specific Authority 468.1685(1), 468.1725(2), 455.711 FS. Law Implemented 468.1725, 455.711 FS. History—New 3-5-96, Formerly 59T-13.300, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Criteria for Selection of Investigators  
 RULE NO.: 64B10-14.0011

PURPOSE AND EFFECT: The Board proposes to repeal this rule because the Board does not have statutory authority.

SUMMARY: Repeal of Rule 64B10-14.0011.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.521(8), 468.1685(1) FS.

LAW IMPLEMENTED: 455.521(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

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

64B10-14.0011 Criteria for Selection of Investigators.

Specific Authority 455.521(8), 468.1685(1) FS. Law Implemented 455.521(8) FS. History—New 5-23-82, Formerly 21Z-14.011, 21Z-14.0011, 61G12-14.0011, 59T-14.0011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Citations  
 RULE NO.: 64B10-14.006

PURPOSE AND EFFECT: The Board is amending this rule to update the rule with regard to citations.

SUMMARY: The Board finds it necessary to amend this rule to include a new subsection (3)(e) which will set forth the fine to be charged for first time failure to comply with Rule 64B10-15.001.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.617, 455.621 FS.

LAW IMPLEMENTED: 455.617 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.006 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (d) No change.

(e) First time failure to comply with Rule 64B10-15.001, F.A.C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.

(4) through (5) No change.

Specific Authority 455.617, 455.621 FS. Law Implemented 455.617 FS. History—New 3-1-92, Formerly 21Z-14.006, 61G12-14.006, Amended 7-21-97, Formerly 59T-14.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE:

RULE NO.:

Continuing Education for

Licensure Renewal

64B10-15.001

PURPOSE AND EFFECT: The Board has determined that this rule shall be amended to notify licensees that they may take a course in end of life care and palliative health care in lieu of the HIS/AIDS course in order to receive continuing education credit. The Board also intends to amend Subsection (10) to notify licensees the manner in which they can obtain continuing education credits in risk management.

SUMMARY: The Board is amending this rule to notify licensees that they may take a course in end of life care and palliative health care in lieu of the HIS/AIDS course in order to receive continuing education credit. In addition, the Board also intends to amend Subsection (10) to notify licensees the manner in which they can obtain continuing education credits in risk management.

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

Any person who wishes to provide information regarding the statement of estimated 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: 468.1685(1), 468.1715, 468.1725, 455.604 FS.

LAW IMPLEMENTED: 468.1715(3), 468.1725, 455.604 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) through (7) No change.

(8) Licensees may include the hours obtained from attendance at the HIV/AIDS course required under Section 455.604(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 455.604(9), F.S., as part of the hours required for biennial renewal, up to a maximum of three hours.

(9) No change.

(10) A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:

(a) Attend a board meeting where a licensee is disciplined.

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board’s member’s term(s).

Specific Authority 468.1685(1), 468.1715, 468.1725, 455.604 FS. Law Implemented 468.1715(3), 468.1725, 455.604 FS. History–New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLES: Facility at Which Training Takes Place  
Equivalency

RULE NOS.: 64B10-16.003  
64B10-16.006

PURPOSE AND EFFECT: The Board has determined that amendments are necessary to this rule to include the words “nursing home” to “facility” where ever it appears in the rule. Rule 64B10-16.006 is being repealed because the Board does not have statutory authority.

SUMMARY: Amendments are being made to Rule 64B10-16.003 to update the rule text with regard to the facilities at which training takes place, and repeal of Rule 64B10-16.006.

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

Any person who wishes to provide information regarding the statement of estimated 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: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.003 Facility at Which Training Takes Place.

(1) Each application for approval of a training program shall include an application for approval of each nursing home facility at which the training will take place.

(2) The application form will request general information about the nursing home facility which will include its address, the names, employment dates, work hours, and the license numbers of registered or licensed professionals which head the various departments, and the bed capacities in each classification under the terms of Rule 10D-29.032(15), (36) and (39), F.A.C. (as effective 7-24-81).

(3) No change.

(4) The nursing home facility must have a capacity of at least 60 beds.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New 9-24-81, Formerly 21Z-16.03, 21Z-16.003, 61G12-16.003, 59T-16.003, Amended \_\_\_\_\_.

64B10-16.006 Equivalency.

Specific Authority 468.1685(1), 468.1695 FS. Law Implemented 468.1695 FS. History–New 6-11-89, Formerly 21Z-17.003, 61G12-17.003, 59T-17.003, 59T-16.006, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Exemption of Spouses of Members of the Armed Forces from Licensure Renewal Provisions

RULE NO.: 64B17-5.002

PURPOSE AND EFFECT: The Board proposes to create a new rule to address the exemption of spouses of members of the armed forces from licensure renewal requirements.

SUMMARY: The Board finds it necessary to promulgate a new rule which will address the exemption of spouses of members of the armed forces from licensure renewal requirements.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.507(2), 486.025 FS.
LAW IMPLEMENTED: 455.507(2) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:
64B17-5.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.
A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.
Specific Authority 455.507(2), 486.025 FS. Law Implemented 455.507(2) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

NAVIGATION DISTRICTS

Florida Inland Navigation District

Table with 2 columns: RULE TITLES and RULE NOS.: Policy (66B-2.004), Application Process (66B-2.006), Project Eligibility (66B-2.008)

PURPOSE, EFFECT AND SUMMARY: This rulemaking will re-initiate the rule making process for the referenced rule chapters that were withdrawn by the District because of a failure to meet the statutory time limits for filing the adopted rule. The purpose of the proposed rulemaking is to include the following provisions in the program rule: modify the property control requirements for project sites that are leased; clarify the amount of pre-agreement expenses that are eligible for program funding; modify the Attorney's Certificate of Title for clarity; revise the project priority list; and, revise the date when permits are required for construction projects. The effect of the proposed rulemaking is to implement changes in the administration of the District's Cooperative Assistance

Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the 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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3),(5) FS.

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

TIME AND DATE: 1:00 p.m., April 25, 2000

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

- (1) through (6) No change.
(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(8) No change.

(9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in



accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(10) through (11) No change.

(12) All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(13) through (18) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, \_\_\_\_\_.

#### 66B-2.006 Application Process.

(1) No change.

(2) Applications will be reviewed by the local FIND Commissioner before being submitted to the District Office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 4-12-95) and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date \_\_\_\_\_ ~~4-12-95~~). When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended \_\_\_\_\_.

#### 66B-2.008 Project Eligibility.

(1) Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging

2. Public navigation aids and markers

3. Inlet management projects that are a benefit to public navigation in the District ~~Public boat ramps and launching facilities~~

4. Public shoreline stabilization ~~Public boat docking and mooring facilities~~

5. Public spoil disposal site development ~~Public shoreline stabilization~~

6. Waterway signs and buoys for safety, regulation or information ~~Inlet management projects that are a benefit to public navigation in the District~~

7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp ~~Waterway signs and buoys for safety, regulation or information~~

8. Public boat docking and mooring facilities ~~Public spoil disposal site development~~

9. Derelict Vessel Removal ~~Waterways related environmental education programs and facilities~~

10. Waterways related environmental education programs and facilities ~~Public fishing and viewing piers~~

11. Public fishing and viewing piers ~~Public waterfront boardwalks~~

12. Public waterfront boardwalks ~~Waterways boating safety programs and equipment~~

13. Waterways boating safety programs and equipment ~~Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project~~

14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project ~~Other waterway related projects.~~

15. Other waterway related projects.

(b) Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping

2. Park and playground equipment

3. Restrooms for non-waterway users

4. Tennis courts

5. Roadways providing access to non-waterway users

6. Parking areas for non-waterway users

7. Utilities for non-waterway related facilities

8. Lighting for non-waterway related facilities

9. Irrigation equipment

10. Maintenance equipment

11. Picnic shelters and furniture.

12. Vehicles to transport vessels.

(c) No change.

(d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing prior to the tentative approval date of funding for Phase II. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing meeting where tentative funding decisions for this program will be made, the Phase II project will not be considered for funding. An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28-104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NO.: 61B-31.001  
RULE TITLE: Prospectus and Rental Agreement  
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. 26, No. 3, January 21, 2000, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Subsection 61B-31.001(4) is amended to read:

~~(n) Amendments agreed to by the homeowners' association and the park owner.~~ (Reletter subsequent provisions)

#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

RULE NO.: 64B16-30.001  
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances  
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 1, January 7, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (1) of the rule shall now read as follows:

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 465, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465. The minimum penalty range is based upon a first time