

forms also describe generally what actions the policyholders may be able to take to reduce their windstorm premium and provide a list of premium discount, credit, other rate differential, or reduction in deductible ranges that have been approved by the office for each insurer licensed in the state.

SUBJECT AREA TO BE ADDRESSED: Forms development and disclosure requirements.

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 627.711 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: 9:30 a.m., September 16, 2005

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com.

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Medical Malpractice Insurance 690-171.009

Open Claims Reporting

PURPOSE AND EFFECT: To develop rules to give the Office the ability to monitor losses and claims development in the Florida medical malpractice insurance market by establishment of an open claims database.

SUBJECT AREA TO BE ADDRESSED: Monitoring losses and claims development in the Florida medical malpractice insurance market.

SPECIFIC AUTHORITY: 624.308, 627.912(7) FS.

LAW IMPLEMENTED: 624.307, 627.912 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: 9:30 a.m., September 22, 2005

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Claude Mueller, Director, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: claude.mueller@fldfs.com

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Approval of Liquefied Petroleum Gas Containers	5F-11.027
Installation of Containers on Roofs of Buildings	5F-11.028
Inspection of DOT Cylinders	5F-11.029
Out of Service Account Procedure	5F-11.043
Out-of-Gas, Leak Call, and Interrupted Service Procedure	5F-11.044
Dispensing Units	5F-11.045
Introducing Gas into Containers for Transportation; Dealer to Insure Compliance	5F-11.046
Installation of Unvented Room Heaters	5F-11.050

PURPOSE AND EFFECT: The purpose of these rule revisions is to adopt the 2004 edition of National Fire Protection Association Standard #58, The LP-Gas Code, as well as the 2002 edition of National Fire Protection Association Standard #54, the National Fuel Gas Code and to revise references within the existing rules to be consistent with these codes.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory costs has been prepared, as costs are anticipated to be minimal.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULES IS:

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

The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2004~~ ~~2001~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, ~~2002~~ ~~1999~~ edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

(a) Section 3.2.10 ~~6.6.7~~ of NFPA 58, ~~2004~~ ~~2001~~ edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption.

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

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

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

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section ~~5.2~~ ~~2-2-1.3~~, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-5-97, Amended _____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~6.6.7~~ ~~3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00, 9-2-02, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex~~ ~~Appendix~~ C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example: 10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, F.A.C., shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 5-9-04, Amended _____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~6.6.6 3-2.9.1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to ~~Annex Appendix~~ D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in paragraph (1)(a) above, for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

(b) Alternatively, have a prescribed pressure leak safety check performed annually by licensed, qualified personnel.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02,

5F-11.044 Out-of-Gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

(a) Close all container valves.

(b) If practical, physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.

(d) Fill container(s) or replace safely with filled container(s).

(e) If access is possible, put all appliances back in service, making certain all pilots are properly lighted.

(f) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in paragraphs (b), (c) and (e) above.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Section 4.2, Chapter 7, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended

5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58 as incorporated by reference in Rule 5F-11.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) Prominently post “No Smoking” signs on the visible or approachable sides and ends of the container.

(b) Prominently post “Flammable Gas” or “Propane” on the visible or approachable sides of the container.

(c) Prominently post proper filling instructions at the transfer location.

(2) Newly installed or relocated vehicle fuel dispensers or dispensing stations, if subject to vehicular traffic, shall be protected by adequate barriers as follows:

(a) The minimum distance for barricade posts from the sides and non-dispensing end of the unit shall be three (3) feet.

(b) Minimum distance for barricade posts around the dispensing end of the tank (scale area) shall be ten (10) feet if the unit is exposed to vehicular traffic parking or traffic patterns.

(c) The minimum standard for barricade posts shall be as follows:

- 1. Posts must extend three (3) feet below ground and three (3) feet aboveground;
- 2. Posts must be located three (3) feet apart; and
- 3. Posts must be constructed of three (3) inch steel pipe or its equivalent.

(d) Natural barriers (such as trees) shall be accepted in lieu of crash posts if the natural barriers provide equivalent protection.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

(4) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of twelve (12) months shall be removed from the premises.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2-2.3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, _____.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, Chapter 6 and Chapter 2 2 are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80. Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Repromulgated _____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6-24 of NFPA 54, 1992 edition, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 12-4-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hazardous Materials	9G-14
RULE TITLES:	RULE NOS.:
Definitions	9G-14.002
Section 313 Toxic Chemical	
Release Inventory Fee	9G-14.0045
Approved Forms	9G-14.006
EPCRA Public Information Requests;	
Inspection and Copies	9G-14.010

PURPOSE, EFFECT AND SUMMARY: To redesignate the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act to the Emergency Planning and Community Right-to-Know Act; to update a reference to the federal list of toxic chemicals to state “s. 313 EPCRA listed substances in effect on January 1, 2005;” to update the current rule eliminating references to the Department of Labor & Employment Security; and to update information such as addresses and forms.

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: 120.53, 252.83(1) FS.

LAW IMPLEMENTED: 119.07(1), 120.53, 215.26, 252.82, 252.83, 252.84, 252.85, 252.88 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: 2:00 a.m., September 19, 2005
 PLACE: Department of Community Affairs, Sadowski Building, Room 310M, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-14.002 Definitions.

As used in this rule chapter:

(1) "Agricultural Employee" means each full-time and each part-time non-seasonal employee within this state reported by the owner or operator of an agricultural facility to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes, the total number of which shall not be less than the number for the month reflecting the lowest number of employees for the calendar year.

(2) through (4) No change.

(5) "Employee" means each full-time and each part-time employee employed within the State by the owner or operator of a facility as reported to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes for the last month of the calendar year.

(6) through (10) No change.

(11) "Owner/Operator" means a sole proprietorship, or partnership, or company with an assigned Federal Employer Identification number, that reports employees to the Florida Department of ~~Revenue Labor and Employment Security~~ including, at a minimum, employees at the facility in Florida subject to reporting under EPCRA Section 302 or 312.

(12) through (13) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.82 FS. History--New 11-24-88, Amended 12-31-92, 1-3-01, _____.

9G-14.0045 Section 313 Toxic Chemical Release Inventory Fee.

(1) An owner or operator of one or more facilities who is required to submit a United States Environmental Protection Agency Toxic Chemical Release Inventory Form-R report or alternate threshold Form-A filing to the Commission under s. 313 of EPCRA shall be required to pay an annual reporting fee of \$150.00 per Toxic Chemical Release Inventory Form-R report and \$75 per chemical listed on each Form-A alternate threshold filing for each s. 313 listed EPCRA substances in effect on January 1, ~~2005~~ ~~1998~~, using Form Number HMP-08-00.

(2) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.84, 252.85 FS. History--New 12-31-92, Amended 2-26-97, 12-20-98, 1-3-01, _____.

9G-14.006 Approved Forms.

The following forms are adopted by reference. Use of Form HMP-02-00 is required for submission of an annual registration fee. Use of Form HMP-01-98 is required for submission of a notification pursuant to EPCRA s. 302. Use of Form HMP-05-00 is required for submission of an annual inventory form pursuant to EPCRA Chapters 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-09-00 is required for submission of a request for a refund for overpayment of fees or for fees paid in error pursuant to Rule 9G-14.007, F.A.C. Use of Form HMP-10-00 is required for electronic transmission of an annual inventory report pursuant to EPCRA s. 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-11-00 is required for providing certification of accuracy for electronic transmission filings. Use of Form HMP-08-98 is required for submission of an annual inventory report or alternate threshold filing fee submitted pursuant to EPCRA s. 313. These forms are available at no charge from the Department of Community Affairs, Division of Emergency Management, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

FORM NO.	SUBJECT	EFFECTIVE DATE
HMP-01-98	Section 302 – Emergency Planning Notification	1-3-01 7-1-05
HMP-02-00	Annual Registration Form	1-3-01 7-1-05
HMP-05-00	Tier Two Form (with instructions)	1-3-01 7-1-05
HMP-06-95	Confidential Location Information Sheet	1-3-01 7-1-05
HMP-08-00	Toxic Chemical Release Inventory Fee Form	1-3-01 7-1-05
HMP-09-00	Refund Application Form	1-3-01 7-1-05
HMP-10-00	Electronic Tier Two Form (with instructions)	1-3-01 7-1-05
HMP-11-00	Tier Two Certification Statement Form	1-3-01 7-1-05

Specific Authority 120.53, 252.83(1) FS. Law Implemented 120.53, 215.26, 252.84, 252.85 FS. History--New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98, 1-3-01, _____.

9G-14.010 EPCRA Public Information Requests; Inspection and Copies.

(1) Requests for information may be directed to the Local Emergency Planning Committee (LEPC), c/o the Regional Planning Council (RPC), at the following addresses:

- District One LEPC
- c/o West Florida RPC
- Post Office Box ~~9759~~ ~~486~~
- Pensacola, Florida ~~32513-9759~~ ~~32593-0486~~
- District Two LEPC
- c/o Apalachee RPC

~~20776 Central Avenue East 314 East Central Avenue, Room 419~~
 Blountstown, Florida 32424
 District Three LEPC
 c/o North Central Florida RPC
~~Suite A~~
 2009 Northwest 67 Place, Suite A
 Gainesville, Florida 32653
 District Four LEPC
 c/o Northeast Florida RPC
~~6850 Belfort Oaks Place 9143 Phillips Highway, Suite 350~~
 Jacksonville, Florida ~~32216 32256~~
 District Five LEPC
 c/o Withlacoochee RPC
 1241 Southwest Tenth Street
 Ocala, Florida 34474-2798
 District Six LEPC
 c/o East Central Florida RPC
 631 North Wymore Road, Suite 100
 Maitland, Florida ~~32751 32789~~
 District Seven LEPC
 c/o Central Florida RPC
 Post Office Box 2089
 Bartow, Florida 33831
 District Eight LEPC
 c/o Tampa Bay RPC
~~4000 Gateway Centre Blvd., Suite 100 9455 Koger Boulevard~~
~~Suite 219~~
Pinellas Park, Florida 33782 St. Petersburg, Florida 33702
 District Nine LEPC
 c/o Southwest Florida RPC
~~1926 Victoria Avenue Post Office Box 3455~~
 Fort Myers, Florida ~~33901 33918 3455~~
 District Ten LEPC
 c/o Treasure Coast RPC
 301 East Ocean Boulevard, Suite 300
 Stuart, Florida 34994
 District Eleven LEPC
 c/o South Florida RPC
 3440 Hollywood Boulevard, Suite 140
 Hollywood, Florida 33021
 Requests for inspection and copying of any EPCRA records that are open to the public may be directed to the same office or to the Commission, c/o the Department of Community Affairs at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149.

(2) through (5) No change.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 119.07(1), 120.53, 252.83, 252.88 FS. History—New 6-1-95, Amended 2-26-97, 1-3-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eve Rainey, Chief, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9914
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation
 RULE NO.: 33-204.003
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to extend the time period for which therapeutic diets can be prescribed.
 SUMMARY: The proposed rule allows therapeutic diets to be prescribed for 180 days rather than 90 days.
 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: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-204.003 Food Services – Standards of Operation.
- (1) through (3) No change.
- (4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or

dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 180 ~~90~~ days. Diets extending for periods longer than 180 ~~90~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary – Programs
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Monitoring Sex Offender Conditions of Supervision

RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise statutory references, clarify responsibilities of staff supervising sex offenders with regard to checks for compliance with conditions of supervision.

SUMMARY: The proposed rule revises references to Florida Statutes relating to conditions of supervision of sex offenders and specifies the types of checks that must be made by the supervising officer to ensure compliance with the conditions of supervision.

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 FS.

LAW IMPLEMENTED: 944.09, 947.1405, 948.30 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) No change.

(2) Prohibition of living within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court or releasing authority – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) The officer has researched the offender’s residence location for known places where children regularly congregate to ensure compliance with the order of supervision and Sections 948.30 and 947.1405 paragraphs 948.03(5)(a) and (b), Florida Statutes; and,

(b) No change.

(3) through (6) No change.

(7) Pornographic Material – If the court or releasing authority imposes a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to the offender’s deviant behavior pattern, the officer shall ensure compliance by conducting walk-through visual inspections searches during the initial visit and, ~~at a minimum, once quarterly~~ during subsequent walk through visual inspections or warrantless planned searches of visits to the offender’s residence, ~~which can lead to warrantless planned searches if pornographic material is observed.~~

(8) Computer or Internet Restrictions –

(a) If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by conducting walk through visual inspections searches during the initial visit and, ~~at a minimum, once quarterly~~ during subsequent walk through visual inspections or warrantless planned searches of visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.30 ~~948.03~~ FS. History—New 12-18-01, Amended 6-18-02, 12-31-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Johnson, Senior Management Analyst Supervisor – Office of Community Corrections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: R. Beth Atchison, Assistant Secretary of Community Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision
 RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to clarify the criteria and process for considering an offender for early termination of supervision.

SUMMARY: The proposed rule provides that an offender must have made significant life improvements in order to be considered by the supervising officer for early termination of supervision. The proposed rule eliminates language related to review of the restoration of civil rights process as this will be addressed during orientation.

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 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.111 Early Termination of Supervision.

(1) Before a correctional probation officer considers ~~recommending an offender for~~ early termination of supervision, the offender shall meet the following criteria shall be met:

(a) through (f) No change.

(g) The offender has made significant life improvements ~~satisfactory adjustment under supervision~~ and is no longer in need of supervision.

(2) In order for an officer to ~~consider request~~ an early termination of supervision ~~from the sentencing or releasing authority~~, approval must be obtained from the officer's supervisor, the circuit administrator, the State Attorney's Office, and the victim, if the offense involved a victim. If the State Attorney's office denies the request, or the victim

opposes the early termination, the department will not proceed with the early termination ~~recommendation~~. The officer shall not disclose a victim's objection to the offender.

(3) The officer shall notify the offender of the judge's decision upon receipt of the judge's response. ~~If the offender was adjudicated guilty, the officer shall review the restoration of civil rights process with the offender.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, 12-2-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Johnson, Senior Management Analyst Supervisor – Office of Community Corrections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: R. Beth Atchison, Assistant Secretary of Community Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Orientation
 RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require that inmates address staff and official visitors in a respectful manner.

SUMMARY: The proposed rule requires that inmates address uniformed staff by rank and last name and non-uniformed staff and official visitors by Mr./Ms. or title and last name.

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 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.100 Inmate Orientation.

(1) Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions
RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate revisions to Form No. 41.10-410(2)(8/96), the Well Completion Report, into Rule 40D-1.659, F.A.C. Existing language in the form seeking information on permits authorizing multiple wells, such as how many of the authorized wells were constructed or abandoned, and whether any of the authorized wells are being cancelled, has proven to be confusing. The proposed revisions will clarify the information being requested, provide space for additional information on water quality testing results, and update descriptions of well uses and drill methods. The effect of the proposed rule amendment will be to make the form clearer and easier to use.

SUMMARY: The proposed rule amendment adopts revisions to the Well Completion Report, a form relating to water well construction. This form provides factual information to the District concerning the construction or abandonment of permitted wells, such as depth of casing or amount of grout used. The revisions to the form include a clarification of information being requested concerning multiple-well permits, additional space for information on water quality testing, and updates of descriptions of well use and drill methods.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (4) No change.

(5) WELL COMPLETION REPORT

FORM No. ~~LEG-~~ (/05) ~~41.10-410(2)-(8/96)~~

(6) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (15) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 2-1-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

Resource Permits
 RULE TITLE: Publications and Agreements Incorporated
 RULE NO.: 40D-4.091

by Reference
 PURPOSE AND EFFECT: The purpose of this amendment to Rule 40D-4.091, F.A.C., is to incorporate amendments to Chapter 2.0 of the Environmental Resource Permitting Basis of Review (ERP Basis of Review).

SUMMARY: The proposed amendment to the ERP Basis of Review creates Section 2.0 to inform applicants of various means to demonstrate ownership or control of the project area, that are acceptable to the District. The Environmental Resource Permitting (ERP) Basis of Review does not currently provide guidance to a permit applicant on the District's interpretation of this requirement. The amendment provides that ownership or control may be demonstrated through a deed, a long-term lease demonstrating control of the project area adequate to comply with all permit conditions, a purchase and sale agreement, or similar document. The amendment further provides that where control is demonstrated by a lease, the permit will be conditioned to address abandonment or transfer of control of the permitted system at the end of the lease. Also, where control is demonstrated by a purchase and sale agreement, the permit will be conditioned to terminate if the transfer of ownership does not occur, and to prohibit construction until ownership is transferred to the permittee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, June 30, 2005. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, _____.

ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW
 CHAPTER 2

2.0 Ownership and Control – In accordance with the requirements of paragraph 40D-4.301(1)(j), F.A.C., an applicant must demonstrate reasonable assurance that permitted activities will be conducted by an entity with financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued. Compliance with this requirement may be demonstrated through a deed, a long-term lease demonstrating control of the project area adequate to comply with all permit conditions, a purchase and sale agreement, or similar document. Where control is demonstrated by a long-term lease, the permit will be conditioned to address transfer of control or proper abandonment of the permitted system at the end of the lease. Where control is demonstrated by a purchase and sale agreement, the permit will be conditioned to terminate if the transfer of ownership does not occur, and to prohibit construction until ownership is transferred to the permittee.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Fee for Retired Status License

RULE NO.: 64B18-12.010

PURPOSE AND EFFECT: The Board proposes this rule amendment in order to implement Chapter 2005-62, L.O.F., relating to a retired status license fee.

SUMMARY: Fee for retired status license.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 461.005, 461.008(1) FS. Section 3, Chapter 2005-62, Laws of Florida.

LAW IMPLEMENTED: 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida.

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, Executive Director, Board of Podiatric Medicine /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

64B18-12.010 Fee for Retired Status License.

The fee for a retired status license is \$50.00.

Specific Authority 461.005, 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida. Law Implemented 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board for Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Financial Responsibility

RULE NO.: 64B18-14.0072

PURPOSE AND EFFECT: The Board proposes to increase the financial liability level a podiatric physician must maintain from \$50,000 to \$100,000.

SUMMARY: Financial Responsibility for professional liability coverage to be increased from \$50,000 to \$100,000.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.048, 461.005 FS.

LAW IMPLEMENTED: 456.048 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, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.0072 Financial Responsibility.

(1) Unless exempted by the Board pursuant to Section 456.048(2), F.S., a podiatric physician shall maintain Financial Responsibility to pay claims and costs ancillary thereto arising out of the rendering of or the failure to render medical care for services, and shall demonstrate such financial responsibility as a condition of licensure and at the time of licensure renewal and reactivation of license by one of the following methods:

(a) Obtaining and maintaining professional liability coverage in an amount not less than ~~\$100,000~~ ~~\$50,000~~ from an authorized insurer as defined under Section 624.09, F.S., from an eligible surplus lines insurer as defined under Section 626.914(2), F.S., from a risk retention group as defined under Section 627.942, F.S., from the Joint Underwriting Association established under Section 627.351(4), F.S., or through a plan of self-insurance as provided in Section 627.357, F.S.

(b) Establishing and maintaining an escrow account consisting of cash or securities eligible for deposit in accordance with Section 625.52, F.S., in an amount of not less than ~~\$100,00~~ ~~\$50,000~~.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to Chapter 675, F.S., in an amount no less than ~~\$100,000~~ ~~\$50,000~~. The letter of credit shall be payable to the podiatric physician as beneficiary upon presentment of a final judgement indication liability and

awarding damages to be paid by the podiatric physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgement or settlement is a result of a claim arising out of the rendering of or failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or the United States to receive deposits in this state.

(2) No change.

This rule shall take effect April 1, 2006.

Specific Authority 456.048, 461.005 FS. Law Implemented 456.048 FS. History—New 2-27-94, Formerly 61F12-12.011, 59Z-12.009, Amended 1-4-96, Formerly 59Z-14.0072, Amended 4-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES: RULE NOS.:
Board Approval of Residency Programs 64B18-16.002
Content of Residency Program – Reports 64B18-16.005

PURPOSE AND EFFECT: The Board proposes this rule amendment to Rule 64B18-16.002, F.A.C., to conform statutory references to Chapter 2005-98, Laws of Florida. The Board proposes this rule amendment to Rule 64B18-16.005, F.A.C., to implement Chapter 2005-98, Laws of Florida. The proposed rule changes reporting requirements for hospitals with podiatric residents to July 1 and conforms statutory references to the legislative changes.

SUMMARY: The proposed rule changes reporting requirements for hospitals with podiatric residents to July 1 and conforms statutory references to the legislative changes.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 461.005, 461.006, 461.014 FS.

LAW IMPLEMENTED: 461.014 FS., Chapter 2005-98, Laws of Florida.

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, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.002 Board Approval of Residency Programs.

(1) Podiatric residency programs in this State must receive and maintain Board approval by applying for such approval from the Board, by submitting documentation to show compliance with Section Sections 461.014(1) and (2), Florida Statutes, and by on-going compliance with Section Sections 461.014(1), (2), (4) and (5) Florida Statutes. The Board is under no obligation to grant approval to any program which does not demonstrate compliance with Section Sections 461.014 (1) and (2), Florida Statutes.

(2) The Board will withdraw approval upon finding that a podiatric residency program has failed to comply with ~~either~~ Section 461.014(1), (2), (4) or (5) Florida Statutes.

(3) No change.

(4) When approval has been withdrawn, residents enrolled in the program on or before the date in which the final order is rendered or the Notice of Intention to Withdraw Approval becomes final, will not be approved for examination or licensure by the Board unless they comply with Section 461.014(2)(c)(3), Florida Statutes. Residents enrolled after the date on which the final order is rendered or the Notice of Intention to Withdraw Approval becomes final, will not be allowed to take the examination or be licensed.

Specific Authority 461.005, 461.006, 461.014 FS. Law Implemented 461.014 FS., Chapter 2005-98, Laws of Florida. History—New 11-24-80, Formerly 21T-16.02, 21T-16.002, 61F12-16.002, Amended 1-4-96, 6-17-96, Formerly 59Z-16.002, Amended _____.

64B18-16.005 Content of Residency Program – Reports.

On ~~January 1~~ and July 1 of each year, each Residency Program Director shall provide the following information to the Board:

(1) through (5) No change.

Specific Authority 461.005, 461.014(4) FS. Law Implemented 456.072(1)(j),(k),(l), 461.013(1)(g),(h),(i), 461.014 FS., Chapter 2005-98, Laws of Florida. History—New 11-24-80, Formerly 21T-16.005, 61F12-16.005, Amended 1-4-95, Formerly 59Z-16.005, Amended 12-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE:

RULE NO.:

Continuing Education Required
for License Renewal

64B18-17.001

PURPOSE AND EFFECT: The Board proposes this rule amendment to make explicit the requirement that licensees must provide documentation of completion of continuing education within thirty (30) days of request by the Department or Board.

SUMMARY: The amendment is to make explicit the requirement that licensees must provide documentation of completion of continuing education within thirty (30) days of request by the Department or Board.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 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, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) through (8) No change.

(9) Licensees must submit verification of attendance at any required continuing education course(s) to the Board or the Department within thirty (30) days of a request for such documentation.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History--New, 11-24-80, Formerly 2IT-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 2IT-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE:

RULE NO.:

Application and Examination Fee for

Licensure by Examination; Review Fee 64B19-12.002

PURPOSE AND EFFECT: The Board proposes to amend the rule by changing the laws and rules examination fee to \$200.00.

SUMMARY: The laws and rules examination fee will change to \$200.00.

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: 456.013(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) 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: Kaye Howerton, Executive Director, Psychology Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) through (2) No change.

(3) In addition to the application fee specified above, each applicant for certification for examination shall submit a ~~the~~ laws and rules examination fee of \$200~~\$0~~.00.

(4) through (5) No change.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 456.017, 490.005(1)(a) FS. History--New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, 8-8-01, 2-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reexamination Fee

RULE NO.: 64B19-12.003

PURPOSE AND EFFECT: The Board proposes to amend the rule by changing the laws and rules reexamination fee to \$200.00.

SUMMARY: The laws and rules reexamination fee will change to \$200.00.

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: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(c),(2) 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: Kaye Howerton, Executive Director, Psychology Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.003 Reexamination Fee.

The reexamination fee for only the Florida laws and rules examination is ~~\$200.00~~. Additional fees will be required by the examination vendor.

Specific Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(1)(c),(2) FS. History—New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, 8-8-01, 2-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Application Fees

RULE NO.: 64B24-3.002

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule based upon new legislation.

SUMMARY: This amendment establishes a \$50.00 non-refundable application fee for a retired status license for midwives.

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: 467.005, 467.0135 FS.

LAW IMPLEMENTED: 467.0135(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.002 Application Fees.

(1) The application fee shall be \$200.

(2) The fee for a retired status license shall be \$50.00.

Specific Authority 467.005, 467.0135 FS. Law Implemented 467.0135(4) FS. History—New 1-26-94, Formerly 61E5-3.002, Amended 8-15-95, Formerly 59DD-3.002, Amended 12-23-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE TITLES: Definitions

RULE NOS.: 64I-1.001

Services

64I-1.002

PURPOSE AND EFFECT: To place in rule definitions to implement Sections 381.739-381.79, F.S., and services specific to eligible applicants.

SUMMARY: Establishing eligibility and ineligibility for services provided by the Brain and Spinal Cord Injury Program in compliance with Sections 381.739-381.79, F.S.

STATEMENT OF ESTIMATED REGULATORY COSTS:
None 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: 381.0011 FS.

LAW IMPLEMENTED: 381.76 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephanie Brown, Department of Health, 4052 Bald Cypress Way, Bin #C25, Tallahassee, Florida 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-381.79, F.S., and this rule, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a community of one's informed choosing by performing all activities of daily living, independently, or with support, but without the need for services.

(b) External Trauma: A trauma from a source external to the body that causes the injury solely by the force of the trauma, not through an intervening biological process such as blood clot, blood loss, or lack of oxygen.

(c)(2) Legal Resident: A person who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the applicant is otherwise eligible for the General Program.

(e) Moderate to Severe Brain Injury: Glasgow 12 and below or Rancho 8 and below.

(f) Reintegration into the Community: Maintaining oneself in a community by performing all activities of daily living, independently, or with support, but without the need for services.

(2) Additional definitions for terms used in this rule, consistent with Section 381.745, F.S.

(a) Applicant: A person requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Chapter 400, Part III, F.S.

(c) Eligible Person: A person determined eligible for the General Program.

(d) General Program: The program for which eligibility is determined under Section 381.76, F.S.

(e) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennitte in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(f) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(g) Services: Services provided by the General Program.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended _____.

64I-1.002 Services.

(1) All Services must be directed specifically to an individual applicant or eligible person by prior authorization of BSCIP.

(2) Services can be delivered to an applicant only to the extent necessary to determine eligibility for the General Program; and does not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Funding for consumables (those items for which the very act of using destroys their further use), except in support of services, and then only during a twenty four (24) month period beginning with the first time such funding is authorized;

(c) Change in circumstances not directly related to the applicant or eligible person's brain or spinal cord injury and capable of repetition throughout the life of the applicant or eligible person. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of a person below the age of eighteen, the loss of a caregiver; or

(d) Any that requires approval under federal law, such as human subject research.

(3) The applicant shall be determined ineligible for the General Program if the applicant:

(a) Is determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended;

(b) Does not require services to achieve reintegration into the community;

(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve reintegration into the community through services; or

(d) Is otherwise categorically ineligible under the statutory criteria.

(4) The eligible person's case shall be closed if the eligible person is:

(a) Determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended, except that such case shall remain open solely for case management if such is required;

(b) Is at an appropriate level of functioning in the community; or

(c) Is not reasonably expected to return to an appropriate level of functioning in the community through services.

(5) Previous closure under paragraph (3)(b) or (4)(b) above does not prevent an individual from becoming an applicant.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Brown, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Reef Fish

RULE TITLES: RULE NOS.:

Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper 68B-14.0035

Size Limits for Importation and Sale 68B-14.00355

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption 68B-14.0036

Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits 68B-14.0045

PURPOSE AND EFFECT: On August 1, 2005, the federal Gulf of Mexico Fishery Management Council and National Marine Fisheries Service imposed new regulations on vermilion snapper in Gulf federal (EEZ) waters adjacent to Florida. This species in the Gulf is considered overfished and undergoing overfishing and the changes are intended to rebuild the spawning stock. The purpose of these rule amendments is to conform state rules for the Gulf of Mexico to the new federal rules for vermilion snapper. The measures implemented are a 1-inch minimum size limit increase to 11 inches, imposition of a recreational bag limit of 10 vermilion snapper (not to be included in the 10-fish aggregate snapper bag limit), and a closed commercial season from April 22 through May 31. The effect will be to help rebuild vermilion snapper stocks by having uniform rules applicable in both state and federal waters.

SUMMARY: Paragraphs (7)(m) and (n) of Rule 68B-14.0035, F.A.C., are amended to increase the recreational and commercial minimum size limit for vermilion snapper in state waters of the Gulf of Mexico from 10 to 11 inches. Paragraph (1)(f) of Rule 68B-14.00355, F.A.C., is amended to increase the minimum size of vermilion snapper sold in Florida from 10 to 11 inches. Paragraph (1)(d) of Rule 68B-14.0036, F.A.C., is amended to impose a 10-fish daily bag limit for vermilion snapper harvested from the Gulf. A new paragraph (2)(i) is added in Rule 68B-14.0045, F.A.C., to provide a closed commercial season for vermilion snapper in the Gulf from April 22 through May 31 each year.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) through (6) No change.
- (7) Snapper (measured in terms of total length)
- (a) through (l) No change.
- (m) Vermilion snapper harvested recreationally 11 ~~10~~ inches.

(n)1. Vermilion snapper harvested commercially from the Atlantic Ocean 12 inches.

2. Vermilion snapper harvested commercially from the Gulf of Mexico 11 ~~10~~ inches.

- (o) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, _____.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (e) No change.
- (f) Snapper (measured in terms of total length).
 1. Cubera snapper 12 inches.
 2. Dog snapper 12 inches.
 3. Gray (mangrove) snapper 12 inches.
 4. Lane snapper 8 inches.
 5. Mahogany snapper 12 inches.
 6. Mutton snapper 16 inches.
 7. Red snapper 15 inches.
 8. Schoolmaster snapper 10 inches.
 9. Vermilion snapper 11 ~~10~~ inches.
 10. Yellowtail snapper 12 inches.
- (2) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-03, Amended _____.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

- (1) Snapper.
 - (a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 10 snapper per day, in any combination of species.
 - (b) through (c) No change.

(d) ~~1. Atlantic~~ Vermilion snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters ~~of the Atlantic Ocean~~, nor possess while in or on state waters ~~of the Atlantic Ocean~~, more than 10

vermilion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

~~2. Gulf vermilion snapper. Vermilion snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).~~

- (e) through (f) No change.
- (2) through (8) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, _____.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.

(a) Persons harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in subsection 68B-14.001(2), F.A.C., corresponding state waters shall also be closed to commercial harvest of the species affected by the federal closure, beginning from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to paragraph (b), the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

(d) The closure specified in paragraph (b), and the prohibitions specified in paragraph (c), shall not apply when the species to which the closure applies is legally harvested outside the waters of the closed area. Any person possessing such species during the time period of a closure shall establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to show that such species originated from a point outside the closed area. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this subsection.

- (e) through (h) No change.

(i) During the period April 22 through May 31 of each year, no person harvesting for commercial purposes shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any vermilion snapper.

- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Format of Schedule	69I-5.003
Types of State Financial Assistance	69I-5.004
State Project Determination	69I-5.005
Recipient/Subrecipient and Vendor Relationships	69I-5.006
State Project Compliance Supplement	69I-5.007
Criteria for Major State Projects	69I-5.008
Criteria for Selecting State Projects for Audit Based on Inherent Risk	69I-5.009
Approval of Non-State Entity Conduits	69I-5.010

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement the changes to the Florida Single Audit Act by Chapter 2005-152, Laws of Florida, effective July 1, 2005. The proposed rules will provide guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance regarding the requirements of the Florida Single Audit Act.

SUMMARY: Rule 69I-5.003, F.A.C., is amended to delete a reference to the Governor’s Office. Rule 69I-5.004, F.A.C., categorizes the different types of state resources considered to be financial assistance to non-state entities to carry out state projects. Rule 69I-5.005, F.A.C., adopts forms to be used by state agencies to determine the applicability of the Florida Single Audit Act to a state program for inclusion in the Catalog of State Financial Assistance, to request a Catalog of State Financial Assistance number, and to annually certify the accuracy of state projects included in the Catalog of State Financial Assistance. Rule 69I-5.006, F.A.C., adopts forms to be used by state agencies to determine the applicability of the Florida Single Audit Act to non-state entities and includes standard contract language. Rule 69I-5.007, F.A.C., adopts a form to be used by state agencies to evaluate state projects to be included in the State Project Compliance Supplement. Rule 69I-5.008, F.A.C., sets forth criteria to be used by independent auditors in identifying major state projects. Rule 69I-5.009, F.A.C., sets forth criteria to be used by independent auditors in selecting state projects for audits based on inherent risk. Rule 69I-5.010, F.A.C., requires the Department’s approval of a non-state entity’s status as a conduit of state financial assistance.

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: 215.97 FS.

LAW IMPLEMENTED: 215.97 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: 10:00 a.m., September 21, 2005

PLACE: Room 430, Fletcher Building, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Shane Lewis, Bureau of Auditing, Room 448J, Fletcher Building, Tallahassee, Florida 32399-0355, (850)410-9310

THE FULL TEXT OF THE PROPOSED RULES IS:

69I-5.003 Format of Schedule.

(1) The Schedule of Expenditures of State Financial Assistance shall be included on the non-state entity’s Schedule of Expenditures of Federal Awards and State Financial Assistance. If a non-state entity does not receive federal financial assistance, a Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall:

- (a) List individual state projects by state agency, including identifying contract or grant number.
- (b) For state financial assistance received as a subrecipient, the name of the pass-through entity and identifying contract/grant number assigned by the pass-through entity.
- (c) Provide total state financial assistance expended for each individual state project and the CSFA number.
- (d) Provide total state financial assistance transferred to subrecipients for each state project.
- (e) Include as expenditures in the schedule, the value of state financial assistance expended in the form of non-cash assistance. The value of state non-cash assistance will be established in accordance with paragraph 69I-5.004(2)(c), F.A.C. ~~the rules of the Executive Office of the Governor.~~
- (f) Include notes that describe the significant accounting policies used in preparing the schedule.

(2) The Schedule of Expenditures of Federal Awards and State Financial Assistance shall be in a format similar to the sample presented below:

NAME OF NONSTATE ENTITY SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND STATE FINANCIAL ASSISTANCE For the Fiscal Year Ended Month/Date/Year				
Federal/State Agency, Pass-through Entity, Federal Program/ State Project	CFDA CSFA	Contract/ Grant	Expenditures	Transfers to Subrecipients
FEDERAL AGENCY NAME	No.	No.	(in thousands)	(in thousands)
Direct Programs	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Programs				
Passed through (insert name of entity)	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL FEDERAL AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF FEDERAL AWARDS			XXXXX	XXXXX
STATE AGENCY NAME				
Direct Projects	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Projects				
Passed through (insert name of entity)	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL STATE AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF STATE FINANCIAL ASSISTANCE			XXXXX	XXXXX

* denotes major programs/projects

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New 2-5-01, Formerly 3A-5.003, Amended _____.

69I-5.004 Types of State Financial Assistance.

(1) State financial assistance is financial assistance from state resources to non-state organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified non-state entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange, or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the non-state organization to comply with laws, rules, and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the non-state organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance expended when the laws, rules, and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New _____.

69I-5.005 State Project Determination.

(1) State agencies shall use the Florida Single Audit Act State Project Determination Checklist (Form DFS-A2-PD) (Effective 7/05) to evaluate the applicability of the Florida Single Audit Act to a state program for inclusion in the Catalog of State Financial Assistance.

(2) State agencies shall submit the completed checklist to the Department of Financial Services, Bureau of Auditing, 200 E. Gaines Street, Tallahassee, Florida 32399-0355. If the state program has been determined to be a state project, the state agency shall also request a Catalog of State Financial Assistance number by completing and submitting to the Department an Agency Request Form for New CSFA Project Number (Form DFS-A2-AR) (Effective 7/05).

(3) The Department shall evaluate the request for a Catalog of State Financial Assistance number. If the request is approved, the Department shall add the state project to the Catalog of State Financial Assistance.

(4) State agencies shall annually be required to certify the accuracy and completeness of its state projects included in the Catalog of State Financial Assistance by completing and submitting the Catalog of State Financial Assistance Agency Certification (Form DFS-A2-AC) (Effective 7/05) to the Department.

(5) Copies of Forms DFS-A2-PD, DFS-A2-AR, DFS-A2-AC, which are hereby incorporated by reference, can be obtained at the Department's website at www.fsa.state.fl.us.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.006 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under Section 215.97, Florida Statutes, the "Florida Single Audit Act". Procurement contracts used to buy goods and services from vendors are outside the scope of the Act.

(2) The Florida Single Audit Act Checklist for Non-State Organizations Recipient/Subrecipient vs. Vendor Determination (DFS-A2-NS) (Effective 7/05) shall be used to determine the applicability of the Florida Single Audit Act to non-state organizations. State agencies, recipients, and subrecipients that provide state financial assistance to non-state organizations shall complete this form and retain it in their records.

(3) Whenever a non-state organization is determined to be a recipient or subrecipient of state or federal financial assistance, the standard audit language contained on Form DFS-A2-CL (Effective 7/05) must be included in the document that establishes the State's, recipient's, or subrecipient's relationship with the non-state entity.

(4) Copies of Forms DFS-A2-NS and DFS-A2-CL, which are hereby incorporated by reference, may be obtained at the Department's website at www.fsa.state.fl.us.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.007 State Project Compliance Supplement.

(1) State awarding agencies, in consultation with the Department, shall evaluate its state projects for inclusion in the State Project Compliance Supplement.

(2) State awarding agencies shall complete and submit to the Department the Agency Reporting Form for the State Projects Compliance Supplement (Form DFS-A2-CS) (Effective 7/05) for each state project to be included in the State Project Compliance Supplement.

(3) A copy of Form DFS-A2-CS, which is hereby incorporated by reference, may be obtained at the Department's website at www.fsa.state.fl.us.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.008 Criteria for Identifying Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in subsections (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A Projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A Projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in at least one of the two most recent audit periods and, in the most recent audit period, it should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 69I-5.009, F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk. The auditor shall consider the criteria enumerated in Rule 69I-5.009, F.A.C., in applying professional judgment in determining whether a Type B Project is high-risk.

However, the independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or one percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected in accordance with the criteria enumerated in Rule 69I-5.009, F.A.C.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New

69I-5.009 Criteria for Selecting State Projects for Audits Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in subsections (2) through (4) below, to identify risk in state projects. Also, as part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor shall consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor shall consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A new project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amounts of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. State agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New

69I-5.010 Approval of Non-State Entity Conduits.

The state awarding agency and the Department must approve a non-state entity's status as a conduit of state financial assistance.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cheri Green, Bureau of Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE: Workers' Compensation Compliance
 RULE CHAPTER NO.: 69L-6
 RULE TITLES: Cancellation of Workers' Compensation Insurance by an Insurer 69L-6.008
 Policy Information Electronic Filing Requirements for Insurers 69L-6.014
 Definitions 69L-6.016

PURPOSE AND EFFECT: To repeal Rules 69L-6.008, 69L-6.014 and 69L-6.016, F.A.C. The proposed repeal of these rules is necessary as Rule Chapter 69L-56, effective 05/29/05, enhances and incorporates information found within the rules to be repealed, rendering the language and provisions in the rules to be repealed both duplicative and obsolete.

SUMMARY: Unnecessary language and provisions that are duplicative of other rules are being eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

IF REQUESTED IN WRITING 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: 9:30 a.m., September 23, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew Sabolic, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593(5) FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, 12-28-97, 2-2-00, 3-5-02, Formerly 38F-6.008, 4L-6.008, Repealed.

69L-6.014 Policy Information Electronic Filing Requirements for Insurers.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593 FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593 FS. History--New 2-2-00, Amended 3-5-02, Formerly 38F-6.014, 4L-6.014, Amended 3-11-04, Repealed.

69L-6.016 Definitions.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593 FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History--New 3-5-2002, Formerly 38-6.016, 4L-6.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Reporting Maximum Medical Improvement and Permanent Impairment
 RULE NO.: 69L-7.603

PURPOSE AND EFFECT: The proposed repeal of Rule 69L-7.603, F.A.C., is deemed necessary, as said rule has been rendered duplicative and obsolete by Rule 69L-7.602, F.A.C. Rule 69L-7.602, F.A.C., created new reporting instructions and requirements for Workers' Compensation health care providers to utilize a form entitled, "Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form", DFS-F5-DWC-25, to report maximum medical improvement and permanent impairment information. The new form replaces the DWC-9a form, which was formally used to report this type of information.

SUMMARY: Unnecessary language and provisions that are duplicative of another rule are being eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

IF REQUESTED IN WRITING 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: 9:30 a.m., September 30, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, FL

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen Szypula, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: steve.szypula@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.603 Reporting Maximum Medical Improvement and Permanent Impairment.

69O-138.002 Financial, Rate, and Market Conduct Examination Reimbursement Expenses.

Specific Authority 440.15(3)(a)4., 440.185, 440.591 FS. Law Implemented 440.15(2),(3) FS. History--New 8-22-95, Amended 1-6-97, Formerly 38F-7.603, 4L-7.603, Repealed.

(1) This rule establishes rates and procedures for reimbursement to the Office for examination and per diem expenses for examinations conducted by Office employees pursuant to the provisions of Sections 624.316 and 624.3161, Florida Statutes.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005

(2) Examination and per diem charges will be computed beginning at the start of the examination of time the examiner reports for duty at the insurer to be examined and the examiner's active participation in the examination planning, and ending at the completion of the examination and or at the end of the examiner's active participation in the examination, whichever is earlier. Charges will also be assessed for actual travel days as certified by the Office.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Financial, Rate, and Market Conduct

RULE NO.:

Examination Reimbursement Expenses 69O-138.002

PURPOSE, EFFECT AND SUMMARY: The rule being amended addresses reimbursement expenses for examinations; clarifying calculation of the number of days; clarifying the application of NAIC Examiners Handbook for certain personnel; and setting forth reimbursement amounts for other personnel.

(3) The daily examination fee for each financial examination employee or dual financial and market conduct examination employee shall be at the rates as published in the most current edition of the National Association of Insurance Commissioners Financial Condition Examiners Handbook Attachment B. The rates as published are applied as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

(a) The Insurance Company Examiner rate is applied to our Financial Examiner/Analyst I positions and any other positions not specifically identified.

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.

(b) The Senior Insurance Examiner rate is applied to our Financial Examiner/Analyst II and Financial Specialist positions when such examiners are not in an examiner-in-charge role.

SPECIFIC AUTHORITY: 624.308(1) FS.

(c) The Insurance Examiner In-Charge rate is applied to any of our positions when such examiner is in the examiner-in-charge.

LAW IMPLEMENTED: 624.307(1), 624.316, 624.3161, 624.320 FS.

(d) The Administrative Examiner rate is applied to our Financial Examiner/Analyst Supervisor and any other positions that are in a supervisory capacity.

IF REQUESTED IN WRITING 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):

In addition, the daily examination fee shall be \$232 \$206.00 for each market conduct examination employee and \$461 for each actuarial employee. The daily rates are applicable to for each day the employees are participating is on the examination site. In addition, each insurer shall pay to the Office an amount equal to 50% of the total examination fee for attendant administrative costs.

TIME AND DATE: 9:30 a.m., September 23, 2005

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

(4) The per diem and other travel charges shall be the maximum per diem charges contained in the most current version of the Office's Administrative Policy and Procedure 7-4 Attachment B, as revised 1/91, to section 8: Classification, Minimum Qualifications and Suggested Compensation for

~~Zone Examiners, in the Financial Examiners Handbook issued by the National Association of Insurance Commissioners, which is hereby adopted and incorporated by reference, or the actual per diem and shown on the examiner's expense voucher; whichever is higher. Other travel expenses will also be charged based on actual travel expenses incurred by the examiners.~~

~~(5) Each insurer will be billed on a monthly basis, based on the examiner's expense vouchers as submitted to the Office.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316, 624.3161, 624.320 FS. History—New 3-30-92, Amended 12-27-92, Formerly 4-138.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen Szypula, Property and Casualty Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
 RULE NO.: 690-149.0055
 PURPOSE, EFFECT AND SUMMARY: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 627.410(6), 641.31(2), 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 627.6402, 627.65626, 641.31(40) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., September 21, 2005
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.0055 Healthy Lifestyle Rebate.

(1) Employer Group Coverage.

(a) All insurers and HMOs subject to the provisions of Section 627.65626 or 641.31(40), F.S., ~~and issuing small employer group health insurance coverage, where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S.,~~ shall provide for a healthy lifestyle rebate.

(b)1. All insurers and HMOs providing a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all policy or contract holders ~~employers~~ on a nondiscriminatory basis and be without regard to the health or claim status of the member or subscriber insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of members or subscribers ~~employers~~ participating in the rebate program and the distribution of the policies or contracts by size of rebate earned.

(d) The insurer or HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program offered by a policy or contract holder ~~an employer~~ as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January~~ 1, 2006.

(2) Individual Coverage.

(a) Any individual health insurance coverage subject to the provisions of Section 627.6402, F.S., and where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., may shall provide for a healthy lifestyle rebate.

(b)1. All insurers that provide for a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all insureds on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of policies participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the insurer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January 1~~, 2006.

Specific Authority 624.308(1), 627.410(6), 641.31(2), 641.36 FS. Law Implemented 624.307(1), 627.6402, 627.65626, 641.31(40) FS. History—New 3-24-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate

RULE NO.: 690-191.0545

PURPOSE, EFFECT AND SUMMARY: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 641.31(40) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., September 21, 2005

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.0545 Healthy Lifestyle Rebate.

(1) ~~Employee~~ Group Coverage is as provided by subsection 690-149.0055(1), F.A.C.

(2) Individual Coverage.

(a)1. All HMOs that provide for a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all subscribers on a nondiscriminatory basis and be without regard to the health or claim status of the subscriber insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(b)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of contracts participating in the rebate program and the distribution of the contracts by size of rebate earned.

(c) The HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the HMO as determined by agreed upon health status indicators.

(d) This rule shall be effective for all contracts issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January 1~~, 2006.

Specific Authority 641.36, 641.31(2) FS. Law Implemented 641.31(40) FS., [HB 1629] History—New 3-24-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.: 60S-9
 RULE NO.: 60S-9.001
 RULE CHAPTER TITLE: Approved Forms
 RULE TITLE: Approved Forms

NOTICE OF CHANGE

Notice is hereby given that in accordance with subparagraph 120.54(3)(d), F.S., the following changes have been to the proposed rules, originally published December 10, 2004, in Vol. 30, No. 50, of the Florida Administrative Weekly. As provided in Section 120.54(3)(e)6., Florida Statutes, the adoption of the rule was postponed to accommodate further review.

The changes have been made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Clifford, Senior Benefits Analyst, Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, (850)414-6345, (850)488-5540

In the original notice, the lead-in sentence to Rule 60S-9.001, F.A.C., was omitted. That sentence reads:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, or by calling (850)488-5540 Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.

(1)(a) Bureau of Enrollment and Contributions.

FORM NO. REVISION DATE TITLE/DESCRIPTION

- 1.(a) BEN-001 (6/04) (Rev. 7/00)
Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one-page form.
- 2.(b) FRS-400 (Rev. 4/00)
Florida Retirement System – Application for Special Risk Membership Law Enforcement/Correctional Officers – a one-page form.
- 3.(e) FRS-401 (Rev. 7/99)
Florida Retirement System – Special Risk Credit for Past Service – a one-page form
- 4.(d) FRS-402 (Rev. 10/01).
Florida Retirement System – Application for Special Risk Equivalent Credit – a one-page form.
- 5.(e) FRS-404 (Rev. 11/02) (8/99)
Florida Retirement System – Application for Special Risk Administrative Support Class – a one-page form.
- 6.(f) FRS-405 (Rev.10/03) (Rev. 10/01)
Florida Retirement System – Application for Special Risk Membership Firefighters/Paramedics/EMTs – a one-page form.
- 7.(g) ERQ-1 (Rev. 8/99)
Florida Retirement System Employment Relationship Questionnaire – a three-page form.
- 8.(h) BLE-1 (8/99).
Florida Retirement System – Ballot for Member of an Existing Retirement System – a one-page form.
- (i) SMS 3 (Rev. 8/99)
~~SMSC Ballot/Enrollment Form for Local Agency Employees.~~
- 9.(j) SMSD-1 (Rev. 8/00)
Florida Retirement System – Senior Management Service Class Designated Position Form – a two page document consisting of one page of information and a one-page form.
- (k) EOC-1 (Rev. 8/01)
~~Ballot Form for Employees of Elected Officers' Class~~
- (l) OCC 1 (Rev. 7/99)
~~Ballot/Enrollment Form for Community Colleges Optional Retirement Program Employees~~
- (b) State Board of Administration – Enrollment and Election forms.

FORM NO./REVISION DATE	TITLE
1.	<u>OCC-1 (07/04) Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees</u>
2.	<u>OCC-2 (11/04)</u>