

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.: 5I-4.002
RULE TITLES: Purpose and Definitions
 5I-4.006 Recreational Activities and Facilities

PURPOSE AND EFFECT: This purpose is to provide guidance to Department staff and information to the public regarding use of lands managed by the Department for specific activities, and to comply with similar existing laws and rules. The effect will improve administration and provide guidance for public use.

SUBJECT AREA TO BE ADDRESSED: Revisions to Rules 5I-4.002 and 5I-4.006, F.A.C., regarding the management and use of lands managed by the Florida Department of Agriculture and Consumer Services, Division of Forestry.

SPECIFIC AUTHORITY: 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 FS.

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

DATE AND TIME: Wednesday, October 22, 2008, 11:00 a.m.

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: John Waldron at (850)414-9852 or waldroj@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Waldron, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1600, (850)414-9852

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.: 14-98.005
RULE TITLES: Application and Award Procedures
 14-98.008 Forms

PURPOSE AND EFFECT: Rule 14-98.005, F.A.C, is amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01, to incorporate updated versions of other incorporated documents that have been revised since the previous amendment. Rule 14-98.008, F.A.C., is being repealed and its incorporated forms are moved to Rule 14-98.005, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rule 14-98.005, F.A.C., is being amended, including updating the Subgrant Application for Highway Safety Funds, Form 500-065-01 and incorporating by reference other documents. Rule 14-98.008, F.A.C., is being repealed.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(25) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.005 Application and Award Procedures.

(1) The Department Safety Office (Office) will conduct an analysis of the traffic crash history of the state each year, based on the most currently available crash data from the Department of Highway Safety and Motor Vehicles, identifying those counties with the most severe traffic crash problems, in a Traffic Safety Matrix.

(2) The selection of subgrant recipients will be based, in part, on their position on the Traffic Safety Matrix for the particular type of highway safety problem. Data from the Department of Highway Safety and Motor Vehicles, pertinent local safety data, the Office’s annual observational survey of safety belt use, and past subgrant history will also be considered when selecting potential subgrant recipients.

(3) Only activities included in the Highway Safety Plan may be funded by the program.

~~(4)(3)~~ To be eligible for funding, an applicant:

(a) Cannot have been funded for an activity in the same priority area of the Highway Safety Plan for more than three consecutive fiscal years. Agencies that have received funding

in the same priority area for three consecutive years must wait one year before being eligible for highway safety grant funding in that priority area. The three-year limit shall not apply to statewide programs for training, coordination, evaluation, or public awareness.

(b) Cannot request funding that would supplant funds previously allocated or appropriated by the applicant for the same activity, nor can funding replace equipment previously purchased with local or federal funds.

(c) Shall not be eligible for funding if it has violated a condition of a previous subgrant.

~~(5)(4)~~ The Office will provide, upon request, the Highway Safety Concept Paper, Form 500-065-17, Rev. 12/08, as well as information on how to prepare a concept paper for highway safety funding to any potential applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year. Concept papers must be post marked no later than March 31 to be considered for funding. The Office will formally acknowledge receipt of all concept papers.

~~(6)(5)~~ The Office will review all concept papers for compliance with this rule and state and federal rules and regulations, hereby listed herein.

~~(a) Federal.~~ The following listed federal rules are incorporated by reference:

~~(a)1-~~ 41 C.F.R., Part 60, *Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor*, Revised July 1, 2007 ~~December 13, 2000~~.

~~(b)2-~~ 49 C.F.R., Part 18, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, Revised October 1, 2006 ~~March 18, 1988~~.

~~(c)3-~~ 49 C.F.R., Part 19, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, Revised October 1, 2006.

~~(d)4-~~ 49 C.F.R., Part 20, *New Restrictions on Lobbying*, Revised October 1, 2006 ~~February 26, 1990~~.

~~(e)5-~~ 49 C.F.R., Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*, Revised October 1, 2006 ~~2001~~.

~~(f)6-~~ 49 C.F.R., Part 29, *Governmentwide Debarment Department and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)*, Revised October 1, 2006 ~~May 26, 1988~~.

~~(g)7-~~ 2 C.F.R., Part 220, OMB Circular A-21, Cost Principles for Educational Institutions (OMB Circular A-21), Revised January 1, 2007 ~~8/8/00~~.

~~(h)8-~~ 2 C.F.R., Part 225, OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87), Revised January 1, 2007 ~~5/4/95, as Further Amended 8/29/97~~.

~~(i)9-~~ OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*, August 29, 1997.

~~(j)10-~~ 2 C.F.R., Part 215, OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110), Revised January 1, 2007 ~~11/19/93, as Further Amended 9/30/99~~.

~~(k)11-~~ 2 C.F.R., Part 230, OMB Circular A-122, Cost Principles for Non-Profit Organizations (OMB Circular A-122), January 1, 2007 ~~June 1, 1998~~.

~~(l)12-~~ OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, June 27, 2003 ~~30, 1997~~.

~~(m)~~ Highway Safety Grant Funding Policy for NHTSA/FHWA Field Administered Grants, Revised July 24, 2007.

~~(n)13-~~ 10 U.S.C. 2304(g), *Armed Forces, Contracts: Competition Requirements, Armed Forces Procurement*, January 3, 2005 ~~1/23/00~~.

~~(o)14-~~ 31 U.S.C. 3801 Definitions, *Money and Finance, Administrative Remedies for False Claims and Statements The Program Fraud Civil Remedies Act of 1966*, January 3, 2005 ~~01/05/99~~.

~~(p)15-~~ 33 U.S.C. 1251 Congressional Declaration of Goals and Policy, *Navigation and Navigable Waters, Federal Water Pollution Prevention and Control Act*, January 3, 2005.

~~(q)16-~~ 41 U.S.C. 253(g) Competition Requirements, *Public Contracts, Procurement Procedures Completion Requirements*, January 3, 2005 ~~01/05/99~~.

~~(r)17-~~ 42 U.S.C. 7401 Congressional Finding and Declaration of Purpose, *The Public Health and Welfare, Air Pollution Prevention and Control Clean Air Act*, January 3, 2005 ~~01/05/99~~.

~~(s)18-~~ Executive Order 11246, *Equal Employment Opportunity*, September 24, 1965, as ~~a~~ Amended.

~~(t)19-~~ Executive Order 11375, *Amending Executive Order 11246, relating to Equal Employment Opportunity*, October 13, 1967.

~~(b) State.~~ The following Florida Statutes are listed for reference purposes:

1. Section 112.061, F.S.
2. Chapter 119, F.S.
3. Section 216.347, F.S.
4. Chapter 287, F.S.
5. Section 768.28, F.S.

~~(7)(6)~~ Concept papers that comply with state and federal rules and regulations will be prioritized on the basis of:

(a) The Concept Paper Evaluation Form, ~~FDOF~~ Form 500-065-18, Rev. 01/02.

(b) Program ~~subgrant~~ history,

(c) The Traffic Safety Matrix, and

(d) Analysis of relevant crash data, citation data, and survey results.

~~(8)(7)~~ One copy ~~Two copies~~ of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 12/08 ~~09/05~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

~~(9)(8)~~ Applicants shall forward one copy of the completed ~~agreement application~~ and a minimum of three signature pages, containing all original signatures, to the Office.

(9) Each corporation not for profit applicant shall attach to its application a copy of its "certificate of status" from the Florida Department of State verifying its not for profit status, and a current financial statement which shows that it has funds equal to the amount of the subgrant award on deposit in a special account designated for project activities only.

~~(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 09/05, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.~~

(10) Forms. The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(a) Subgrant Application for Highway Safety Funds – Form 500-065-01, Rev. 12/07.

(b) Statement of Highway Safety Project Costs – Form 500-065-04, Rev. 01/02.

(c) Summary Statement of Personnel Services Cost – Form 500-065-05, Rev. 01/02.

(d) Personnel Services Time Sheet – Form 500-065-06, Rev. 01/02.

(e) Detail of Costs – Form 500-065-07, Rev. 01/02.

(f) Non-Expendable Property Accountability Record – Form 500-065-09, Rev. 12/08.

(g) Highway Safety Concept Paper – Form 500-065-17, Rev. 12/08.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; Telephone (850)245-1500.

~~(11) Notice of denial. Notice of the Office's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action to deny will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days~~

~~after receipt of the Department's notice, in accordance with Rule 28-106.111, F.S. Provision of any notice, denial, revocation, or notice of Administrative Hearing Rights by the Department under this rule shall not constitute, or create, entitlement to an administrative hearing where such right does not otherwise exist.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History–New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, 8-24-04, 1-17-06,_____.

14-98.008 Forms.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History–New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03, 8-24-04, 1-17-06, Repealed_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NOS.:	RULE TITLES:
29I-1.001	Name and Scope
29I-1.002	Purpose
29I-1.003	Staff Functions; General Description
29I-1.004	Council Membership and Appointments, Term of Service, Vacancies, Removal from Office
29I-1.005	Officers, Term, Duties, Committees
29I-1.006	Conduct of Meetings
29I-1.007	Budget and Finances
29I-1.008	Responsibilities and Authority
29I-1.009	Amendments
29I-1.010	Information Requests

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: 112.061, 120.53, 120.536, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 286.26, 380.06, 380.061 FS.

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

DATE AND TIME: Friday, October 17, 2008, 10:00 a.m.
 PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email dkooi@swfrpc.org If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222 or email kheatherington@swfrpc.org

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

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NOS.:	RULE TITLES:
29I-4.001	DRI Review Process
29I-4.003	Procedures for Filing ADA
29I-4.004	DRI-ADA Form
29I-4.006	Request for DRI Review
29I-4.007	DRI Review Fee
29I-4.0081	Master Development Approval Alternative Review Procedure
29I-4.009	Conceptual Agency Review
29I-4.010	Downtown Development Authorities
29I-4.011	Areawide Development of Regional Impact
29I-4.012	Florida's Quality Developments Program
29I-4.013	Review of Amendments to Development Orders

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: 112.061, 120.53, 120.536, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 286.26, 380.06, 380.061 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222 or email kheatherington@swfrpc.org

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

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29I-5.003	Review Criteria

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: 112.061, 120.53, 120.536, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 286.26, 380.06, 380.061 FS.

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

DATE AND TIME: Friday, October 17, 2008, 10:00 a.m.
 PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email dkooi@swfrpc.org If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222 or email kheatherington@swfrpc.org

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

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NO.: 29I-7.004
 RULE TITLE: Costs

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: 112.061, 120.53, 120.536, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 163.01, 186.502, 186.504, 186.505, 186.509, 286.011, 286.26, 380.06, 380.061 FS.

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

DATE AND TIME: Friday, October 17, 2008, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email dkooi@swfrpc.org If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222 or email kheatherington@swfrpc.org

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101
 RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC1-201, Invoice for Production of Records, to implement new legislation, HB 489 and 1141 and for clarity.

SUBJECT AREA TO BE ADDRESSED: Public information and inspection of records.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Jordan-Nunes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.
 (1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, an Invoice for Production of Records, ~~Form DC1-201~~. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 4-16-08.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History–New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.2085
 RULE TITLE: Department and Services

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-3.2085, Florida Administrative Code, to establish licensure standards for burn units in Florida hospitals.

SUBJECT AREA TO BE ADDRESSED: The rules will establish standards to govern the licensure and operation of burn units in Florida hospitals.

SPECIFIC AUTHORITY: 408.0361 FS.

LAW IMPLEMENTED: 408.0361 FS.

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

DATE AND TIME: October 28, 2008, 1:30 p.m. – 3:00 p.m.
PLACE: 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS 28A, Tallahassee, FL 32308, or by phone at (850)922-0791

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.009
RULE TITLE: Citations
PURPOSE AND EFFECT: The proposed rule amendment implements penalties for failure to comply with Rule 61G3-19.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Citations.
SPECIFIC AUTHORITY: 455.224, 476.064(4), 476.204(2) FS.
LAW IMPLEMENTED: 455.224 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G3-21.009 Citations.
- (1) through (3)(i) No change.
- (j) Failure to laminates and display current license or picture on license, in violation of Rule 61G3-19.009, F.A.C., shall result in a fine of \$50 for the first offense, and a fine of \$100 for each subsequent offense;
- (k) through (7) No change.

Specific Authority 455.224, 476.064(4), 476.204(2) FS. Law Implemented 455.224 FS. History—New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, 5-13-01, 9-20-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.012
RULE TITLE: Notice of Non-Compliance
PURPOSE AND EFFECT: The proposed rule amendment requires the consumer laminate and display their license until the license is inactive.

SUBJECT AREA TO BE ADDRESSED: Notice of Non-Compliance.

SPECIFIC AUTHORITY: 476.064(4) FS.
LAW IMPLEMENTED: 455.225(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G3-21.012 Notice of Non-Compliance.
- (1)(a) through (b) No change.
- (c) Rule 61G3-19.009, F.A.C. – failure to laminates and display license as long as license is current.
- (d) through (2) No change.

Specific Authority 476.064(4) FS. Law Implemented 455.225(3) FS. History—New 12-22-94, Amended 2-14-96, 5-1-96, 11-6-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee
61K1-1.0031	Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing
61K1-1.012	Participant; License; Conduct and Other Requirements

PURPOSE AND EFFECT: To implement new legislation
SUBJECT AREA TO BE ADDRESSED: Permit fees, to establish participant licensure requirements, establish amateur mixed martial arts sanctioning organization standards and guidelines.

SPECIFIC AUTHORITY: 548.035, 548.041(1)(d), (e), 548.0065(4) FS.

LAW IMPLEMENTED: 548.035, 548.041(1)(d), (e), 548.0065(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christa Patterson at (850)488-8500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christa Patterson at (850)488-8500

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.001	Fees
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0031	Radiation Therapy Assistance by General Radiographers
64E-3.0032	Radiologist Assistant Duties and Supervision.
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.004	Practice of Radiologic Technology by Applicants for Certification by Examination
64E-3.005	Written Examinations
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses

64E-3.010 Reactivation of Inactive Certificates
64E-3.011 Disciplinary Guidelines

PURPOSE AND EFFECT: Review this Chapter and amend and/or adopt new rule language as necessary to ensure that all rules conform with statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees, definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; scope of practice and prohibited practices; ethics; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation, and relinquishment; investigations; discipline guidelines; national organizations; speciality boards; advisory council's recommendations.

SPECIFIC AUTHORITY: 381.0034(4), 468.302(3)(a), (3)(d), (3)(h), 468.303, 468.304(1), (2), (3)(e), 468.305, 468.306, 468.3065, 468.307(1), 468.309(1)(a), (2), (3), (5), (6), (7), 468.3095(1), (2)(a), 468.3101(4), (6) FS.

LAW IMPLEMENTED: 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.103	Records
64E-5.106	Units of Exposure and Dose
64E-5.1601	Definitions
64E-5.1602	Administrative Requirements
64E-5.1603	Training and Education
64E-5.1604	General Technical Requirements for Electronic Brachytherapy Facilities
64E-5.501	Definitions
64E-5.502	General Requirements
64E-5.507	Therapeutic X-Ray Systems of Less Than 1 MeV
64E-5.508	X-Ray and Electron Therapy Systems with Energies of 1 MeV and Above

- 64E-5.511 Registration of Radiation Machines
- 64E-5.801 Registration Requirements
- 64E-5.802 Registration Certificate for Particle Accelerators
- 64E-5.803 Particle Accelerators for Therapeutic Use on Humans
- 64E-5.804 Limitations
- 64E-5.805 Shielding and Safety Design Requirements
- 64E-5.806 Particle Accelerator Controls and Interlock Systems
- 64E-5.807 Warning Devices
- 64E-5.808 Operating Procedures
- 64E-5.809 Radiation Monitoring Requirements
- 64E-5.810 Ventilation Systems

PURPOSE AND EFFECT: There have been no substantive changes to the rules affecting radiation therapy in at least 13 years. In that time, the use of such machines has changed, and new technologies, such as the miniature x-ray tubes used in electronic brachytherapy, have been created. The purpose of this development is to review those rules and amend and/or adopt new rule language as necessary to address radiation therapy practices, procedures, personnel, and equipment, and also to ensure compliance with current statutory requirements. A new Part XVI will be established for therapeutic radiation machines, and most existing rules in other parts of Chapter 64E-5, F.A.C., that are related to therapeutic radiation machines or radiation therapy will be amended or moved to Part XVI.

SUBJECT AREA TO BE ADDRESSED: Radiation therapy machines and associated devices and equipment; treatment planning & simulation; computer systems; installation, maintenance & repair; general administrative and facility requirements; shielding and safety design; technical requirements; safety & operating procedures; radiation protection devices and monitoring; personnel licensure, education, training and supervision; quality assurance/management; authorized users, operators & medical physicists; radiation safety committee; radiation safety officer; radiation protection program, including authority and responsibilities; surveys and survey instruments; calibration; definitions; forms; fees; registration; records; notifications; reporting; medical & recordable events; signage; posting; written & oral directives; mobile services; radiation dose & dosimetry; particle accelerator controls and interlock systems; ventilation systems; and warning devices.

SPECIFIC AUTHORITY: 404.022, 404.051, 404.071, 404.081, 404.131, 404.141, 404.22, 404.061 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051, 404.071, 404.081, 404.091, 404.101, 404.131, 404.141, 404.161, 404.162, 404.163, 404.22, 404.061 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.1301	Sealed or Unsealed Sources of Radioactive Material
64E-5.207	Filing Application for Specific Licenses
64E-5.210	Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material
64E-5.213	Specific Terms and Conditions of License
64E-5.216	Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass
64E-5.301	Standards for Protection Against Radiation
64E-5.312	Dose Limits for Individual Members of the Public
64E-5.324	Exceptions to Posting Requirements
64E-5.331	Disposal of Specific Wastes
64E-5.340	Records of Waste Disposal or Transfers
64E-5.344	Notification of Incidents
64E-5.345	Reports of Exposures, Radiation Levels, Concentrations of Radioactive Material Exceeding the Constraints or Limits, and Misadministrations
64E-5.601	License Required
64E-5.602	License Amendments
64E-5.603	Notification
64E-5.604	ALARA Program

64E-5.605	Radiation Safety Officer	64E-5.637	Doors, Interlocks, and Warning Systems
64E-5.606	Radiation Safety Committee		
64E-5.607	Authority and Responsibilities	64E-5.638	Radiation Monitoring Devices
64E-5.608	Supervision	64E-5.639	Viewing Systems
64E-5.609	Visiting Authorized User	64E-5.640	Dosimetry Equipment
64E-5.610	Mobile Nuclear Medicine Service Requirements	64E-5.641	Full Calibration Measurements
		64E-5.642	Periodic Spot-Checks
64E-5.611	Quality Management Program and Notifications, Records and Reports of Misadministrations	64E-5.643	Radiation Surveys for Teletherapy Facilities
		64E-5.644	Safety Spot-Checks for Teletherapy Facilities
64E-5.613	Quality Control of Diagnostic Instrumentation	64E-5.645	Modification of Teletherapy Unit or Room Before Beginning a Treatment Program
64E-5.614	Possession, Use, Calibration, and Check of Dose Calibrators		
64E-5.615	Use, Calibration and Check of Survey Instruments	64E-5.646	Reports of Teletherapy Surveys, Checks, Tests, and Measurements
64E-5.616	Assay of Radiopharmaceutical Dosages	64E-5.647	Five Year Inspection
		64E-5.648	Radiation Safety Officer
64E-5.617	Authorization for Calibration and Reference Sources	64E-5.649	Training for Uptake, Dilution, or Excretion Studies
64E-5.618	Requirements for Possession of Sealed Sources and Brachytherapy Sources	64E-5.650	Training for Imaging and Localization Studies
		64E-5.651	Training for Therapeutic Use of Radiopharmaceuticals
64E-5.619	Syringe Shields and Labels		
64E-5.620	Vial Shields and Labels	64E-5.652	Training for Therapeutic Use of Brachytherapy Sources
64E-5.621	Surveys for Contamination and Ambient Radiation Dose Rate	64E-5.653	Training for Ophthalmic Use of Strontium 90
64E-5.622	Release of Patients Containing Radiopharmaceuticals or Permanent Implants	64E-5.654	Training for Use of Sealed Sources for Diagnosis
64E-5.623	Storage of Volatiles and Gases	64E-5.655	Training for Teletherapy
64E-5.624	Decay in Storage	64E-5.656	Training for Teletherapy Physicist
64E-5.625	Safety Instruction and Precautions for Radiopharmaceutical Therapy, Brachytherapy, and Teletherapy	64E-5.657	Training for Experienced Authorized Users or Radiation Safety Officers
		64E-5.658	Recentness of Training
64E-5.626	Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies		
64E-5.627	Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies		
64E-5.628	Permissible Molybdenum 99 Concentration		
64E-5.629	Control of Aerosols and Gases		
64E-5.630	Use of Radiopharmaceuticals for Therapy		
64E-5.631	Use of Sealed Sources for Diagnosis		
64E-5.632	Use of Sources for Brachytherapy		
64E-5.633	Brachytherapy Sources Inventory		
64E-5.634	Use of Sealed Source in a Teletherapy Unit		
64E-5.635	Maintenance and Repair Restrictions		
64E-5.636	Amendments		

Nuclear Regulatory Commission wording issue regarding temporary job sites and how the department recognizes out of state licenses that use radioactive materials under reciprocity.

SPECIFIC AUTHORITY: 404.051, 404.061, 404.071, 404.081, 404.141, 404.022, 404.042 FS.

LAW IMPLEMENTED: 404.031, 404.061(2)(3), 404.20, 404.22, 404.30, 404.022, 404.051(1)(2)(4)(5)(6)(8)(9)(10)(11), 404.141, 404.081(1), 404.181(1)(b), 404.042, 404.071(1), 404.051, 404.061, 404.081 FS.

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

DATE AND TIME: October 22, 2008, 10:30 a.m. – 12:00 Noon

PLACE: Room 240P, 4042 Bald Cypress Way, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michael Stephens; (850)245-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Stephens, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-15.002 RULE TITLE: Sites – Mobile Home, Lodging, and Recreational Vehicle Parks

PURPOSE AND EFFECT: The purpose of the propose changes is to rescind paragraph 64E-15.002(3)(d), F.A.C., which states, “All recreational vehicle units or accessory buildings shall be parked or located 25 feet from any public street or highway right-of-way.” The department has researched this rule and determined there is no longer the need for the 25 foot setback.

SUBJECT AREA TO BE ADDRESSED: The subject is set back requirements for RV’s and accessory buildings from a public street or a highway right-of-way.

SPECIFIC AUTHORITY: 381.0011(13), 513.05 FS.

LAW IMPLEMENTED: 513.012 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David B. Wolfe, (850)245-4277. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-18.006	Suspension, Revocation, or Denial of Certifications
64E-18.007	Standards of Practice
64E-18.008	Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of the proposed change is to revise Rules 64E-18.006, 64E-18.007, and 64E-18.008, F.A.C., which address Standards of Practice and Disciplinary Guidelines for Certified Environmental Health Professionals.

SUBJECT AREA TO BE ADDRESSED: The subject area addresses suspension, revocation, and denial of certificates and other enforcement penalties and mechanisms.

SPECIFIC AUTHORITY: 381.0101(5) FS.

LAW IMPLEMENTED: 381.0101(1) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.303	Assets
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amends the treatment of resources regarding vehicles.

SUBJECT AREA TO BE ADDRESSED: The proposed rule allows the exclusion of all vehicles as a resource in the Medicaid and Food Stamp eligibility determination.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.918, 409.919, 410.033, 414.075, 414.31 FS.

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

DATE AND TIME: October 27, 2008, 1:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-211.110	Purpose
69B-211.120	Scope
69B-211.130	Definitions
69B-211.140	Providers
69B-211.150	Supervising Instructor for Bail Bond Agent Courses
69B-211.160	Instructors
69B-211.170	Courses
69B-211.180	Course Offering and Attendance Records
69B-211.190	Certification of Students
69B-211.200	Attendance
69B-211.210	Postsecondary Courses
69B-211.220	Examinations
69B-211.230	Fees
69B-211.240	Facilities
69B-211.250	Advertising
69B-211.260	Study Aids

69B-211.270	Prohibited Practices
69B-211.280	Falsification of Reports
69B-211.290	Submission of Forms Through the Education Database
69B-211.300	Transition Time in the Event of Rule Changes
69B-211.310	Grounds for Disapproval or Suspension or Revocation of Approval of a Provider, School Official, or Instructor; Other Penalties

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish required procedures for submitting documentation through the Department's online Education Database which can be accessed at <http://www.myfloridacfo.com>. The proposed rule changes the term entities to providers.

This proposed rule also clarifies certain requirements for providers, instructors, school officials, and students of classroom and correspondence (including online) pre-licensing courses. The proposed rule adds requirements for mediation training for motor vehicle insurance claims under Section 627.745, F.S., and Rule 69B-176.022, F.A.C, property insurance claims under Section 627.7015, F.S., or to act as a neutral evaluator of sinkhole insurance claims under Section 627.7074, F.S.

SUBJECT AREA TO BE ADDRESSED: Requirements and standards for pre-licensing courses.

SPECIFIC AUTHORITY: 624.308(1), 626.2817 FS.

LAW IMPLEMENTED: 624.307(1), 624.418, 624.4211, 624.501, 626.221, 626.2817, 626.611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.954(1), 627.7015, 627.7074, 627.745, 648.34, 648.386 FS.

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

DATE AND TIME: Tuesday, October 21, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lyra Erath @ (850)413-5497. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lyra Erath, Senior Management Analyst Supervisor, Bureau of Licensing,

Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5497

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.110 Purpose.

The purpose of this rule part is to establish requirements and standards for all pre-licensing courses and providers of the entities which provide pre-licensing courses for persons seeking to qualify for licensure or certification by the Department through education. This rule part also establishes curriculum standards for special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.221, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386, 648.37 FS. History—New 4-11-94, Formerly 4-211.110, Amended _____.

69B-211.120 Scope.

These rules, except Rule 69B-211.320, F.A.C., shall apply to all providers entities, instructors, school officials, and students of pre-licensing courses and mediation training and shall govern the implementation and enforcement of pre-licensing requirements. Rule 69B-211.320, F.A.C., establishes curriculum standards for special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.221, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386, 648.37 FS. History—New 4-11-94, Formerly 4-211.120, Amended _____.

69B-211.130 Definitions.

For purposes of these rules, the following definitions shall apply.

(1) “Accredited institution of higher learning” or “college” means a university, a four-year college, a community college, a technical college, or extension division thereof or a junior college, which is accredited by an accrediting agency.

(2) “Accrediting agency” means the Council for Higher Education Accreditation or a national or regional accrediting agency recognized by the Council for Higher Education Accreditation, an agency with membership in the Council on Post-Secondary Accreditation, including:

- ~~(a) The Southern Association of Colleges and Schools.~~
- ~~(b) The Middle States Association of Colleges and Schools.~~
- ~~(c) The New England Association of Colleges and Schools.~~

~~(d) The North Central Association of Colleges and Schools.~~

~~(e) The Northwest Association of Secondary and Higher Schools.~~

~~(f) The Western College Association of Colleges and Higher Schools.~~

~~(3) “Administrative record” means any document relating to course approval, course offerings, attendance, course completions or credits, and any other records required to be kept by the Florida Insurance Code, and any rule or order of the Department.~~

~~(3)(4) “Approved” or “qualified,” with regard to a provider an entity, course, school official, or instructor, means that the Education Unit Section, Bureau of Agent and Agency Licensing, has determined that the provider entity, course, school official, or instructor, has met the criteria set forth in Rules 69B-211.140-.170, F.A.C., for approval or qualification and as set forth in Form DFS H2 464, “Application for Entity/Course Approval,” which is adopted in Rule 69B 228.180, F.A.C., and in Form DFS H2 398, “Certification of Instructor,” which is adopted in Rule 69B 228.180, F.A.C.~~

~~(4)(5) “Audit” means:~~

~~(a) Department activity to monitor the offering of courses or examinations, including visits to classrooms, examination test sites, and administrative offices where provider records are documentation of individual attendance and completion records and documentation of instructor credentials is maintained.~~

~~(b) Re-evaluation by the Department of Audit also means approved means re-evaluating classroom course outlines and self-study programs based on current guidelines.~~

~~(5) “Course” and “pre-licensing course” mean an educational program or training program that is designed to qualify an individual to apply for a license or certification to participate in certain insurance activities or to qualify an individual to apply for certification as a mediator. This term does not include special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C. This term includes:~~

~~(a) “Classroom courses” which means courses that are designed to be presented to a group of students in a classroom setting using live lecture, video, satellite (webcast) or other audio-video presentation; and~~

~~(b) “Correspondence courses” which means courses designed to be presented to individual students by sending the students physical documents or through an online course;~~

~~(c) “Online courses” which means a type of correspondence course that is delivered by the provider and taken by a student through use of a computer with a connection to the Internet or a host computer.~~

(6) “Department” means the Florida Department of Financial Services. “Authorized insurer” means an insurer licensed by the Office of Insurance Regulation with a Certificate of Authority.

(7) “Education database” means the Department’s online application process on its website for all activity relating to approval of providers, courses, course offerings, and instructors and to filing of rosters and other information relating to pre-licensing courses and mediation training required by rule or statute to be filed with the Department. The Education Database is accessed at <http://www.myfloridacfo.com>. “Auto mediator” refers to the qualification for appointment to mediate motor vehicle claims under Section 627.745, Florida Statutes, and Rule 69B-176.022, F.A.C.

(8) “Incomplete application” or “incomplete form” means that an application, accompanying documentation or form does not contain all required information or contains incorrect information or does not contain any required accompanying documentation or is not submitted in accordance with the submission procedures in Rule 69B-211.290, F.A.C., as required by the application or form or by any statute or rule of the Department. An application or form which contains errors, omissions, or which requires additional or clarifying information is an incomplete application or form. “Class” means a course designed to be presented live by lecture which has an approved instructor in the classroom and which may have an infinite number of offerings. Each offering must not exceed 12 months between the beginning and ending date.

(9) “Instructor” means an individual who has been approved by the Department to teach an approved course or training program. This term includes supervising instructors for bail bond agent courses. Additional qualifications for supervising bail bond instructors are in Rule 69B-211.150, F.A.C. “Contact person” means the person at the entity level with authority to transact business for the entity through contracts, licenses, or other means, usually as the owner or corporate officer, and who designates the school official to represent the entity.

(10) “Mediator” means an individual who qualifies to mediate motor vehicle insurance claims under Section 627.745, Florida Statutes, and Rule 69B-176.022, F.A.C, property insurance claims under Section 627.7015, Florida Statutes, or to act as a neutral evaluator of sinkhole insurance claims under Section 627.7074, Florida Statutes. “Course” means an educational program which is required to qualify for a license, or a training program for a certification of authority to participate in certain insurance activities. A course may be taken by class or correspondence study methods as prescribed by rule or statute.

(11) “Provider” means any individual, partnership, organization, association, corporation, or other entity approved by the Department to conduct pre-licensing courses or mediation training. “Department” means the Florida Department of Financial Services.

(12) “Provider records” means any documents relating to course approval, course offerings, attendance, course completions or credits, and any other records required to be kept by the Florida Insurance Code, and any rule or order of the Department. “Disciplinary action” means administrative action which has been taken against an individual or entity as a licensee or approved course provider, instructor, or school official for which probation, suspension, or revocation of any license (issued by this or any other state, country, or territory) or approved status has occurred or for which a fine has been entered for a wrongdoing against a consumer or other party.

(13) “School official” means an individual designated by a provider to function as the primary contact point for the Department. “Entity” means any person, partnership, organization, association, or corporation, which is approved by the Department to conduct pre-licensing courses.

(14) “Entity officer” refers to the individual who the entity internally designates to serve as the person upon whom the Department can rely to serve as a means of communicating with the entity. The entity officer has full authority to represent the entity and bind the entity to business transactions. The entity officer is designated to the Department on Form DFS-H2-464, “Application for Entity/Course Approval,” which is adopted in Rule 69B-228.180, F.A.C.

(15) “Incomplete application” or “incomplete form” means that an application or form does not contain all correct information to be placed thereon, or on any required accompanying documentation, as required by the application or form or by any statute or rule of the Department. An application or form which contains errors, omissions, or which requires additional or clarifying information is an incomplete application or form.

(16) “In-house” means courses or services available only for employees of an entity or for members of an association.

(17) “Instructor” means a natural person who has been approved by the Department and who teaches or otherwise instructs an approved pre-licensing classroom course or program.

(18) “Pre Licensing course” means a program of instruction required for an individual seeking licensure or certification to hold a particular position or title.

(19) “Public,” when used in the context of a course or service, means a course or service which is available to any person, in contrast to an “in-house” course or service.

(20) “Public School” means a school operated by a city, county, or state governmental entity within the State of Florida.

(21) "School official" means a natural person appointed by an approved entity to be responsible for the timely filing of all required Department forms and documentation for courses, except for Form DFS-H2-464, "Application for Entity/Course Approval," which is adopted in Rule 69B-228.180, F.A.C., to conduct qualification or training courses, and for the maintenance of necessary administrative records including class information, instructor qualification, and attendance records. The school official is designated to the Department on Form DFS-H2-1137, "Application For School Official Approval," which is adopted in Rule 69B-228.180, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History—New 4-11-94, Formerly 4-211.130, Amended

69B-211.140 Providers Entities.

(1) A provider authorized to offer ~~An entity which offers a pre-licensing course, except for the title agent qualification course, which is required for licensure or certification, must be approved by the Department prior to offering any pre-licensing course and operated by or for an authorized insurance company, insurance company association, insurance agent association, other insurance trade association or society, public school or accredited institution of higher learning. Application for provider entity approval shall be concurrent with initial application for course approval and shall be submitted, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., by the provider the entity officer on Form DFS-H2-464, "Application for Course Provider/Entity Approval," which is adopted in Rule 69B-228.180, F.A.C. The provider shall designate a school official who will function as the primary contact point for the Department on this form.~~

(2) Each provider is ~~Each entity must appoint a school official to be responsible for submission of all required documentation through the Department's Education Database in accordance with the submission procedures in Rule 69B-211.290, F.A.C. for filing all necessary forms, other than Form DFS-H2-464, "Application for Entity/Course Approval," Each provider is also responsible and for the conduct of classes; and instructors.~~

(3) A provider that school which ~~offers a title agent qualification classroom course must be operated by or for an authorized title insurance company, a company association limited to title insurance companies, agent association limited to title agents, other trade association or society with members exclusively from the title industry, accredited institutions of higher learning, or trade and vocational schools licensed by with the Florida Department of Education.~~

(4) An entity which offers health care risk manager programs, health care education programs, or risk manager education programs, must be approved by the Department and operated by or for:

- (a) Licensed health care facility.
- (b) Licensed health care professional.
- (c) Health care administrator.
- (d) Authorized insurer.
- (e) Non-profit education institute.
- (f) Accredited Institution of higher learning.
- (g) Independent program of instruction.
- (h) Hospital Rehabilitation facility.
- (i) Other medical facility.

~~(4)(5) A provider that~~ An entity which offers a mediator training program must be approved by Department ~~operated by and for an entity approved by the Florida Supreme Court to conduct mediator training or be an accredited institution of higher learning.~~

~~(5) A provider that offers classroom courses for general lines or personal lines agents must be an accredited institution of higher learning, school, or extension division thereof. For the purposes of this subsection, the term "school" means a training program within an authorized insurance company, an insurance company association, an insurance agents association, or an insurance trade association or society. A provider that offers correspondence courses for general lines or personal lines agents must be an accredited institution of higher learning in the state of Florida.~~

~~(6) The term "independent program of study" for the life agent requirement in Section 626.7851, F.S., and the health agent requirement in Section 626.8311, F.S., is defined as any provider that offers pre-licensing correspondence courses designed to be presented to individual students.~~

~~(7)(6) General Requirements.~~

(a) Providers Entities ~~shall maintain the records of each individual completing a course for 4 3 years from the date of completion.~~

(b) Providers Entities ~~are responsible for the actions of their school officials, instructors, speakers, and monitors.~~

(c) Providers Entities ~~shall submit notify, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., to the Bureau of Agent and Agency Licensing, Education Unit Section, within 60 30 days of a change of school official, telephone number, or their mailing address or administrative office address, a completed using Form DFS-H2-465, "Course Provider School Information Update," which is adopted in Rule 69B-228.180, F.A.C.~~

~~(7) Lists of approved providers offering courses to the public will be provided upon request with a \$5.00 fee as prescribed by Section 624.501(20)(c), Florida Statutes.~~

~~(8) Disapproval. Any one of the following criteria shall constitute grounds for the Department to disapprove an Application For Entity/Course Approval:~~

(a) An entity officer or a school official having been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.

~~(b) Disciplinary action has been taken against an entity officer or school official.~~

~~(c) The application is incomplete.~~

~~(d) The entity, or an entity officer, school official, or course associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History—New 4-11-94, Formerly 4-211.140, Amended _____.

(Substantial rewording of Rule 69B-211.150 follows. See Florida Administrative Code for present text.)

69B-211.150 Supervising Instructor for Bail Bond Agent Courses School Officials.

Each bail bond agent course must have a supervising instructor who is approved by the Department. The Supervising Instructor shall be present at all classes. The responsibilities and qualifications for the supervising instructor are set forth in Section 648.386, Florida Statutes. Initial application for Supervising Instructor approval is part of the application for provider approval in accordance with Rule 69B-211.140, F.A.C. If a provider wants to appoint a new or additional supervising instructor after approval of the initial supervising instructor, the provider shall submit, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., an application for approval on Form DFS-H2-1269, Application for Supervising Instructor Approval, which is adopted in Rule 69B-228-180, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 624.501, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.386 ~~648.37~~ FS. History—New 4-11-94, Formerly 4-211.150, Amended _____.

69B-211.160 Instructors.

(1) Instructors must be approved by the Department prior to teaching any course subject to this rule part. To qualify to be an instructor, an individual must meet the applicable education or experience requirement set forth in subsection (2) below. When an approved provider submits an application for instructor approval, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., the provider shall verify that the individual is qualified to be an instructor before certifying the individual's experience or education to the Department. Certification of the experience or education shall be received by the Department and approved prior to the person instructing a course. Certification shall be on Form DFS-H2-398, "Certification of Instructor," which is adopted in Rule 69B-228.180, F.A.C.

(2) Any individual who has a bachelor's degree or higher from an accredited institution of higher learning with at least 50% of course work in property and casualty insurance is

qualified to be an instructor for property and casualty insurance courses. Any individual who has a bachelor's degree or higher from an accredited institution of higher learning with at least 50% of course work in life and health insurance is qualified to be an instructor for life, health and variable annuity insurance courses. Other individuals must meet the following experience requirements in order to qualify to be an instructor:

(a) For general lines insurance courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines insurance agent.

(b) For personal lines insurance courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines or personal lines insurance agent.

(c) For customer representative courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines insurance agent or customer representative.

(d) For limited customer representative courses, at least 2 years experience being actively engaged in the business of personal lines auto insurance as a resident general lines or personal lines agent or as a customer representative or limited customer representative.

(e) For bail bond courses, at least two years of experience being actively engaged in business as a bail bond agent licensed in Florida. Additional qualifications for supervising bail bond instructors are in Rule 69B-211.150, F.A.C.

(f) For surplus lines courses, at least two years of experience being actively engaged in business as a resident surplus lines insurance agent.

(g) For title insurance courses, at least 2 years of experience being actively engaged in business as a licensed resident title insurance agent or actively engaged in title insurance as a member of the Florida Bar.

(h) For courses covering life, health, and variable annuity insurance, at least 2 years of experience being actively engaged in the business of insurance as a resident life, health and variable annuity insurance agent.

(i) For courses covering life and variable annuity insurance, at least 2 years of experience being actively engaged in the business of insurance as a resident life and variable annuity insurance agent.

(j) For courses covering health insurance only, at least two years of experience being actively engaged in the business of insurance as a resident life, health and variable annuity, life and health, or health insurance agent.

(k) For Motor Vehicle Physical Damage or Mechanical Breakdown Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of motor vehicle physical damage and mechanical breakdown insurance, or

2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a motor vehicle physical damage

agent, general lines agent, customer representative or limited customer representative, successful completion of a general lines agent, customer representative, or motor vehicle physical damage agent license exam.

(l) For Industrial Fire Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of industrial fire and burglary insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a general lines agent, customer representative, or industrial fire agent, successful completion of a general lines agent, customer representative, or industrial fire agent license exam.

(m) For mediation training, certification as a mediator by the Florida Supreme Court or successful completion of a 40-hour mediator training program approved by the Department or the Florida Supreme Court.

~~(2) Certification of the instructor's experience or education shall be furnished by the approved entity or the instructor, received by the Department and approved prior to the beginning of the course on Form DFS-H2-398, "Certification of Instructor." A processing fee of \$10.00 must accompany each new Certification of Instructor Form. The fee payment shall be made by check or money order to Department of Financial Services, Education Section, Revenue Processing, P. O. Box 6100, Tallahassee, Florida 32399. Individuals may submit Certification of Instructor Forms independent of any school with only the applying instructor's signature. If an individual submits a certification form, a resume must be attached. The Department shall initiate administrative action for failure to have only approved instructors teach at an approved pre-licensing course. Instructors need only be certified one time for each license qualification course or training program. The same form can be used for both.~~

~~(3) The Department will not approve an instructor for any of the following reasons:~~

~~(a) The Certification of Instructor Form is incomplete.~~

~~(b) Disciplinary action has been taken against any license or eligibility for a license issued by this or any other state, country, or territory, or the instructor has otherwise violated any insurance regulation, including this rule part.~~

~~(c) The instructor has been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.~~

~~(d) The instructor has not otherwise met the qualifications specified in this rule or has violated any provision of this rule part.~~

~~(4) If an instructor has been denied approval by the Department to instruct pre-licensing courses, a six-month waiting period must elapse before a new certification request may be submitted.~~

~~(5) The Department will review existing records of approved instructors and disapprove and remove any instructor found to have had any disciplinary action taken against any license issued by this or any other state, country, or territory, at any time before or after being approved as instructor. School officials shall verify eligibility of instructors before submitting for approval.~~

~~(3)(6) No change.~~

~~(4)(7) Instructors shall deny credit to anyone who disrupts the class, sleeps, reads books, newspapers, or other non-course materials, uses a cellular phone, or is absent from class other than for authorized breaks. Based on the course providers' policies, refunds may be given. It will be a violation of this rule part for an instructor or school official to knowingly allow any of the foregoing activities during class. Penalties will be assessed against participant, instructor, and provider school, as provided in Rule 69B-211.310, F.A.C.~~

~~(5)(8) The approved provider entity of health care risk manager and auto mediator training programs shall submit, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., supply a resume of the instructor to the Department with the Certification of Instructor Form. The resume must include information detailing the instructor's education and experience history which would allow the Department to make an informed decision regarding the qualifications of the instructor.~~

~~(6)(9) An approved instructor may teach for more than one provider entity. A new Form DFS-H2-398 is not required for each entity. A certification of courses form is required for each course type as described in subsection 69B-211.170(3), F.A.C.~~

~~(10) Instruction in qualification classroom courses shall be provided:~~

~~(a) For General Lines Agent/Customer Representative courses, by:~~

~~1. Persons with at least 5 years of experience actively engaged in the transaction of general lines insurance, or~~

~~2. A degree from a four year accredited institution of higher learning with at least 50% of course work in property and casualty insurance and if not already licensed as a general lines agent or customer representative, successful completion of a general lines agent or customer representative license exam respectively.~~

~~(b) For Limited Customer Representatives courses, by:~~

~~1. Persons with 2 years professional or non-clerical experience in the transaction of personal lines auto insurance, or~~

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in property and casualty insurance and if not already licensed as a general lines agent, customer representative or limited customer representative, successful completion of the limited customer representative license exam.

(c) For Motor Vehicle Physical Damage or Mechanical Breakdown Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of motor vehicle physical damage and mechanical breakdown insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a motor vehicle physical damage agent, general lines agent, customer representative or limited customer representative, successful completion of a general lines agent, customer representative, or motor vehicle physical damage agent license exam.

(d) For Industrial Fire Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of industrial fire and burglary insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a general lines agent, customer representative, or industrial fire agent, successful completion of a general lines agent, customer representative, or industrial fire agent license exam.

(e) For Bail Bondsman:

1. Persons with at least two years of experience in the area in which they teach, and

2. If not already licensed as a bail bondsman, successful completion of the bail bondsman license exam.

(f) For Bail Bond Runner:

1. Persons with at least two years of experience in the area in which they teach, and

2. If not already licensed as a bail bondsman or bail bond runner, successful completion of a bail bondsman or bail bond runner exam.

(g) For Surplus Lines Agent:

1. Persons with at least two years of experience in the area of surplus lines insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a surplus lines agent or general lines agent, successful completion of a surplus lines agent or general lines agent license exam.

(h) For Title Agent, provide instruction regarding:

1. Policies, Contracts, Rules and Regulations:

a. 5 years of professional or non-clerical experience in the area of title or general lines insurance, or

b. Degree from a 4 year accredited institution of higher learning with at least 50% of course work in insurance, or

c. A law degree and 2 years of experience in the subject area.

2. Closings:

a. 5 years of experience in the preparation of closing statements either in a title agency, law firm, bank, mortgage company, or other financial institution, or

b. Possession of a law degree and 2 years of experience in the subject area.

3. Searches:

a. 5 years of experience in abstracting, title searches, examinations of title, or

b. Possession of a law degree and 2 years of experience in the subject area.

(i) For Life, Health, and Variable Annuity Agent including Administrative Agent:

1. Persons with at least 2 years of professional or non-clerical experience in the area they will teach of life insurance, health insurance, or annuities, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a life, health, and variable annuity agent, successful completion of the life, health, and variable annuity license exams.

(j) For Health Only Agent:

1. Persons with at least two years of professional or non-clerical experience in health insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance, and if not already licensed as a health agent, successful completion of the health agent license exam.

(k) For Life and Variable Annuity Only Agent:

1. Person with at least 2 years of professional or non-clerical experience in life insurance and variable annuities, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance, and if not already licensed as a life and variable annuity agent, successful completion of the life and variable annuity license exam.

(l) For Health Care Risk Manager:

1. To provide instruction for risk management curriculum:

a. A certified health care risk manager, or

b. Persons with at least 5 years of professional or non-clerical experience in all lines of insurance and risk management, or

c. Persons with a degree from a four year accredited institution of higher learning with at least 50% of course work in property and casualty insurance, and if not already licensed

as a general lines agent or health care risk manager, successful completion of the general lines agent license exam or the 120-hour risk manager program:

- 2. To provide instruction for health care curriculum:
 - a. A health care risk manager, or
 - b. A health care administrator, or
 - c. A health care professional, or
 - d. Persons with at least 5 years of professional or non-clerical experience in the medical profession, or
 - e. A degree from a four-year accredited institution of higher learning with at least 50% of course work in nursing or other medical professions, and if not already licensed as a medical professional or health care risk manager, successful completion of the 80-hour health care training program.

(m) For Auto Mediator:

- 1. To provide instruction on mediation skills:

a. Persons with at least 5 years of mediation experience (minimum of 20 mediation conferences with no less than 10 non-family civil mediation cases), or have conducted a minimum of 20 non-family civil mediation cases and have conducted, as a primary trainer or training assistant, 5 non-family civil mediation training programs, or have conducted a minimum of 10 mediation training programs as a primary trainer or training assistant, and

b. If not already certified as a mediator, successful completion of the 40-hour mediator training program.

- 2. To critique role plays, moderate small group discussions and to participate in role play simulations:

a. Persons trained by a Florida Supreme Court certified training program in circuit civil mediation and have completed a Florida Supreme Court sponsored iTrain the Trainer program and have one year non-family civil mediation experience (minimum 5 mediation conferences) or

b. Has conducted, as a primary trainer or training assistant, 5 non-family civil mediation programs or have 3 years mediation experience (minimum 20 family or circuit civil mediation cases) or

c. Have served as a training assistant in at least two Supreme Court certified circuit mediation training programs within the last 2 years.

- 3. To provide instruction regarding interpersonal dynamics: Persons with a degree from a four-year accredited institution of higher learning and with their major study concentration area in mental health, behavioral or social science.

4. To provide instruction on circuit civil mediation process: Persons who have 2 years or 20 cases in Florida non-family circuit mediation.

5. To provide instruction in other specialized areas: Persons with a degree from a four-year accredited institution of higher learning and with their major study concentration area in the specific specialized areas:

(11) No activities outside of the pre-licensing qualification course outline may be conducted during classroom hours.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History—New 4-11-94, Formerly 4-211.160, Amended

69B-211.170 Courses.

(1) All courses must be approved by the Department prior to being offered and all course materials, other than outlines and study manuals prepared by the Department, must be submitted to the Department and approved by the Department prior to use. An application for approval of a course must be submitted in accordance with the submission procedures in Rule 69B-211.290, F.A.C. All classes, courses, and course materials must be based on the Department's applicable outline and utilize the current edition of the Department's study manual for the subject matter of the course. The provider must provide a copy of the study manual to each student or require each student to obtain a copy of the study manual. All courses and training programs must be taught by an instructor who has been approved by the Department. A comprehensive final examination covering the course content shall be given at the end of each course. All time used for the examination shall be in addition to the required classroom hours. Pre-licensing courses are either qualification courses or training programs.

(2) Courses Qualification courses may be classroom or correspondence courses as required for each specific license type. Course outlines are prepared by the Department and furnished to the approved school official by the Department. The following course outlines are hereby incorporated by reference and shall be used in the course described in the title of the outline: "40-Hour Life Agent Qualification Course Including Health and Variable Annuities," (2-94); "40-Hour Health Agent Qualification Course," (2-94); "Surplus Lines Qualification Course: 60-Hour Class Outline," (10-90); "20-Hour Basic Certification Course Outline in the Criminal Justice System for Bail Bond Runner," (10-90); "Title Agents Qualification Course Outline," (2-94); "Customer Representative Course Outline," (2-94); "Limited Consumer Representative Course Outline," (2-94); "General Lines Agents Qualification Course Outline," (2-94); "Industrial Fire and Burglary Course Outline - 20 Hours," (2-94); "80-Hour Basic Certification Course Outline In The Criminal Justice System For Bail Bondsmen," (2-94); "Life Agent Qualification Course Including Variable Annuities Outline - 40 Hours," (2-94). The Department outline must be used by each approved provider entity unless an original outline from the provide school official is approved by the Department prior to being implemented. Outlines submitted to the Department for approval may be required to include the subject matter of ethics and unauthorized entities engaging in the business of

insurance in accordance with the scope and the hourly requirements of the applicable statute(s). Copies of the outline are to be furnished to the students by the school official prior to the commencement of class. Correspondence course outlines or lesson plans are prepared by the approved entity and must be submitted for review annually by the Department if any modification or change is made, to insure that the materials are up to date. Any change in the course outline or in the course content must be approved by the Department prior to being implemented.

~~(3) Qualification courses are required for the following:~~

- ~~(a) General Lines Agent.~~
- ~~(b) Customer representative.~~
- ~~(c) Limited Customer Representative.~~
- ~~(d) Life agent including health and variable annuity.~~
- ~~(e) Administrative Agent.~~
- ~~(f) Life agent including variable annuity.~~
- ~~(g) Health only agent.~~
- ~~(h) Life only agent.~~
- ~~(i) Industrial Fire Agent.~~
- ~~(j) Bail Bondsman.~~
- ~~(k) Bail Bond Runner.~~
- ~~(l) Surplus Lines Agent.~~
- ~~(m) Title Agent.~~

(3)(4) Training programs for mediators shall only be presented in a classroom are classroom only courses and are required for the following:

- (a) Health Care Risk Manager.
- (b) Auto Mediator.

(4) Applications for online courses shall include the following:

(a) Online access for the Department to review the course or a copy of course software with instructions;

(b) Any supplemental workbook, lesson plan, or study guide;

(c) Details of how course access is controlled;

(d) Procedures to monitor student identity at registration and throughout the duration of the course, including any examinations;

(e) Details of how students are provided access to qualified experts or other persons authorized by the provider who can respond to questions regarding course requirements and material. Qualified experts must be available on a ratio of one per every 30 students enrolled at any one time;

(f) Details of how a student's progress is assessed and how feedback is provided to the student upon completion of approximately each quarter of the course material;

(g) Details of how online testing is administered to determine the level of the student's comprehension of course material;

(h) Lesson plans and examinations for each chapter of the applicable approved study manual and a comprehensive examination;

(i) An electronic copy of all course content.

(5) Students in interactive online correspondence courses are required to acknowledge their understanding that the online course examination must be completed unassisted by any person, the course material or other materials. The student acknowledgement shall also include a statement that the student understands that a violation of such standards shall result in an administrative sanction and the loss of course credit. All instruction of courses approved under this rule must be by approved instructors. Insurance courses taken for college credit through accredited institutions of higher learning are exempt from this rule.

(6) Each course must cover all subjects in the appropriate approved outline for the type of license. Classroom courses shall be offered by a Department approved entity and instructed by a Department approved instructor in accordance with an outline approved by the Department. Correspondence courses shall be offered by a Department approved entity in accordance with the study manual authorized by the Department. Each correspondence course must include lesson plans and examinations for each applicable chapter of the designated study manual and a comprehensive examination. Correspondence course lesson completions may not be credited to the classroom hours required.

(7) Courses must provide the following number of hours of instruction, covering all subjects in the approved outline:

(a) A general lines agent course: 200 hours except for individuals who qualify for a reduced number of hours for classroom instruction pursuant to Section 626.732(d) or (e), Florida Statutes.

(b) A personal lines agent course: 52 hours of classroom instruction except for individuals who qualify for a reduced number of hours for classroom instruction pursuant to Section 626.732(1)(d) or (e), Florida Statutes.

(c) A customer representative course – 100 hours.

(d) A limited customer representative course – 40 hours.

(e) A motor vehicle physical damage agent course – 25 hours.

(f) An industrial fire agent course – 20 hours.

(g) Bail bond agent courses – 120 hours of classroom instruction in the criminal justice system and a correspondence course for bail bond agents approved by the department.

(h) A surplus lines agent course – 60 hours.

(i) A title agent course – 40 hours of classroom instruction.

(j) A health only agent course – 40 hours.

(k) A life, health, and variable annuities course – 40 hours.

(l) A life and variable annuities agent course – 40 hours.

(m) A mediator training program – 40 hours of classroom instruction in mediation theory, mediation process and techniques, standards of conduct for mediators, conflict management and intervention skills, and insurance nomenclature.

~~(7) General Lines Agent Courses.~~

~~(a) A general lines agent course shall consist of:~~

~~1. Two hundred hours of classroom instruction in all lines of insurance except life and annuities or;~~

~~2. A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of general lines qualification classroom courses.~~

~~(b) An applicant qualifying for a license as a general lines agent by completing a correspondence course shall also satisfy the experience requirement of Section 626.732(1)(b), Florida Statutes.~~

~~(8) Customer Representative Courses. A customer representative course shall consist of:~~

~~(a) 100 hours of classroom instruction in all lines of insurance except life and annuities or;~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of customer representative qualification classroom courses.~~

~~(9) Limited Customer Representative Courses. A limited customer representative course shall consist of:~~

~~(a) 40 hours of classroom instruction in private passenger automobile insurance only and related statutes and rules, or~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of limited customer representative qualification classroom courses.~~

~~(10) Motor Vehicle Physical Damage Courses. A motor vehicle physical damage agent course shall consist of:~~

~~(a) 25 hours of classroom instruction in motor vehicle physical damage and mechanical breakdown insurance only and related statutes and rules or;~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of motor vehicle physical damage qualification classroom courses.~~

~~(11) Industrial Fire Agent Courses. An industrial fire agent course shall consist of:~~

~~(a) 20 hours of classroom instruction in industrial fire and burglary insurance only and related statutes and rules or;~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of industrial fire agent qualification classroom courses.~~

~~(12) Bail Bondsman Courses. A bail bondsman course shall consist of:~~

~~(a) 80 hours of classroom instruction in the criminal justice system, and~~

~~(b) A correspondence course, covering the subjects of bail bonds.~~

~~(13) Bail Bond Runner Courses. A bail bond runner course shall consist of 20 hours of classroom instruction in the criminal justice system.~~

~~(14) Surplus Lines Agent Courses. A surplus lines agent course shall consist of 60 hours of classroom instruction in surplus and excess lines of insurance.~~

~~(15) Title Agent Courses. A title agent course shall consist of: 40 hours of classroom instruction in title insurance including closing procedures, escrow handling, examination of Title, abstracting and title searches. Correspondence course completions may not be credited as classroom hours.~~

~~(16) Life, Health, and Variable Annuities Agent Courses. A life, health, and variable annuities including administrative agent course shall consist of:~~

~~(a) 40 hours of classroom instruction in life insurance, health insurance and variable annuities, or~~

~~(b) A correspondence course equivalent to a minimum of 40 hours of classroom instruction in life insurance, health insurance, and variable annuities.~~

~~(17) Health Agent Courses. A health only agent course shall consist of:~~

~~(a) 40 hours of classroom instruction only in health insurance, or~~

~~(b) A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of health agent qualification classroom courses.~~

~~(18) Life and Variable Annuity Agent Courses. A life and variable annuities agent course shall consist of:~~

~~(a) 40 hours of classroom instruction in life insurance and variable annuities or;~~

~~(b) A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of life and variable annuity agent qualification classroom courses for a minimum of 40 hours of classroom instruction in life insurance and variable annuities.~~

~~(19) Health Care Risk Manager Courses. A health care risk manager course shall consist of 384 hours of classroom instruction in health care and risk management.~~

~~(20) Risk Management Education Programs. A risk management education program shall consist of 120 hours of classroom instruction in risk management.~~

~~(21) Health Care Education Programs. A Health Care Education Program shall consist of 80 hours of classroom instruction in health care information and procedure.~~

~~(22) Mediator Training Programs. A mediator training program shall consist of 40 hours of classroom instruction in mediation theory, mediation process and techniques, standards of conduct for mediators, conflict management and intervention skills, and insurance nomenclature.~~

~~(8)(23) Course Audits. The Department may reserves the right to audit courses and provider administrative records with or without notice to the sponsoring entity. Audits will result in notice to the sponsoring provider entity of deficiencies found and of corrective action required by the provider entity where warranted. The Department will reduce the number of approved credit hours for the course or disapprove the course entirely if the provider entity fails to correct the deficiencies.~~

~~(24) Disapproval. Any one of the following criteria shall constitute grounds for the Department to disapprove an Application For Entity/Course Approval:~~

~~(a) An entity officer or a school official having been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.~~

~~(b) Disciplinary action has been taken against an entity officer or school official.~~

~~(c) The application is incomplete.~~

~~(d) The course or entity, or an entity officer or a school official associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History—New 4-11-94, Formerly 4-211.170, Amended _____.

69B-211.180 Course Offering Schedule and Attendance Records.

(1) Each provider ~~school official~~ shall submit, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., a course offering on furnish, in duplicate, a properly completed Form DFS-H2-397, "Schedule of Course Offerings Classes," which is adopted in Rule 69B-228.180, F.A.C., for each course class offering for each location, containing the dates and times that classes meet, a schedule of examinations and other requested data. The application must be submitted to schedule shall be received and approved by the Department at least 30 days prior to the beginning of the course. Received is determined by the Department's date stamp. Upon approval, the The Department will assign a course offering Class Number to each course ~~Schedule of Classes~~ to identify each specific class offering. This number must be entered on Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C on the Roster, Form DFS H2 400. ~~A stamped self-addressed return envelope must be submitted for return of the duplicates.~~

(2) Changes to approved course offerings schedules must be requested by the provider at least 5 days prior to the date of the course offering in accordance with the submission procedures in Rule 69B-211.290, F.A.C., in writing and must be approved by the Department prior to the date when the change will be effective. The original approved duplicate schedule must be revised and resubmitted in duplicate with a stamped self-addressed return envelope.

(3) Classroom courses must:

(a) Be in session on scheduled dates during specified hours.

(b) Be held in an area readily accessible for audit by an authorized Department employee.

(c) Not last for more than 10 hours in any one day or conclude after 10:00 p.m.

~~(3) Classes must be in session on scheduled dates during specified hours.~~

~~(4) The class must be held in an area readily accessible for audit by an authorized Department employee.~~

~~(5) No class shall last for more than 10 hours in any one day or conclude after 10:00 p.m.~~

~~(6) Entities may, at their discretion, submit Schedules of Classes for approved courses on a quarterly or annual basis and file revisions in duplicate. Entities shall not begin class without acknowledgment of approval by the Department.~~

~~(4)(7) The student's driver's license or other government issued photo ID must be used for verification of identity by the school official or instructor for each course offering. It shall be grounds for the Department to institute administrative action if a Roster is submitted which includes the name of a student who was not in attendance.~~

(5) Each approved provider shall maintain, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., accurate class attendance records on Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History—New 4-11-94, Formerly 4-211.180, Amended _____.

69B-211.190 Certification of Students.

(1) The provider shall submit to the Department in accordance with the submission procedures in Rule 69B-211.290, F.A.C., a completed Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C., of all students who have satisfactorily completed the course. The Roster must be received by the Department within 7 business days after the final examination is administered.

(2) Form DFS-H2-399, "Certificate of Completion," which is adopted in Rule 69B-228.180, F.A.C., shall be issued to each person satisfactorily completing a course. "Satisfactory completion" as used herein shall mean that the student

~~achieves attendance of no less than 75% of classroom hours and a minimum score of 70 percent on the final examination, except for a student in a bail bond agent course who must achieve a minimum score of 80 percent on the final examination, and that students who take classroom courses attend no less than 75 percent of the required classroom hours for the overall coursework. The school official shall send a completed Form DFS H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C., of all students who completed the course to the Department. The Roster must be received by the Department within 20 days after the final test is administered. Date received is evidenced by the date received stamp in the Bureau of Agent & Agency Licensing. Form DFS H2-399, "Certificate of Completion," shall be completed by the school official and furnished to each student. Rosters received by the Department 20 days after the completion date of the course will be considered late. A stamped self-addressed return envelope must be submitted with each Roster or combination of Rosters.~~

~~(3) At the discretion of the provider, students may miss a class and attend a makeup class to complete the attendance requirement upon a showing of good cause. "Good cause" means an incident or occurrence which is beyond the control of the applicant and which prevents compliance. Examples of good cause include: a disabling accident, illness, call to military duty, or a declared national emergency. The provider may hold makeup sessions to accommodate any student.~~

~~Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History—New 4-11-94, Formerly 4-211.190, Amended _____.~~

69B-211.200 Attendance.

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History—New 4-11-94, Formerly 4-211.200, Repealed _____.~~

69B-211.210 ~~Postsecondary Exempted~~ Courses.

~~(1) An accredited institution of higher learning is exempted from the requirements of this rule part with regard to classroom courses that are part of the institution's curriculum for which students receive academic credits that count toward pursuit of an associate, bachelor or higher level academic degree. An accredited institution of higher learning is not exempted from the requirements of this rule part with regard to correspondence courses that are based on the Department's outlines and study manuals for qualifying students for a particular license.~~

~~(1) General Lines Agents:~~

~~(a) Completed fifteen (15) semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(2) In lieu of completing courses that have been filed and approved under this rule part, an ~~an~~ individual can apply academic credit earned in a course approved by the Department for that class and type license from an accredited institution of higher learning to satisfy the educational requirements to qualify to apply for that class and type license of this rule part. An individual can also satisfy these educational requirements by teaching a college-credit course approved by the Department at an accredited institution of higher learning.~~

~~(2) Customer Representatives and Limited Customer Representatives:~~

~~(a) Completed 6 semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(3) In order for a course to be "approved" by the Department for purposes of credit, the individual must provide proof of completion, proof of accreditation of the institution, and must provide a summary of the course material which contains sufficient information for the Department to determine the number of clock hours attributable to the subject matter of the licensure sought. Examples of a summary are a course syllabus, course outline, course catalogue description, or other descriptive summary of the course. Each clock hour that a course is held represents an hour of the pre-licensing requirement. For example, a 3-hour college-level course which is provided on a semester system is equivalent to 40 clock hours of classroom instruction in an approved pre-licensing course, as approved pursuant to Rule 69B-211.170, F.A.C. The hours must be in the specific subject matter of the licensure which the individual is seeking. Only the clock hours attributable to the subject matter of the licensure sought will be applied to fulfill this requirement.~~

~~(3) Motor Vehicle Physical Damage and Mechanical Breakdown Agents:~~

~~(a) Completed 3 semester hours of college credit, or its equivalent, in casualty (including automobile physical damage) insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(4) In order for an individual to fulfill their educational requirements with courses from an accredited institution of higher learning, the following number of semester hours of college credit, or its equivalent is required for each class and type of license:~~

~~(a) General Lines license – 15 hours in insurance.~~

~~(b) Customer Representative license – 9 hours in insurance.~~

(c) Limited Customer Representative license – 3 hours in insurance.

(d) Personal Lines license – 6 hours in motor vehicle and residential property insurance.

(e) Motor Vehicle Physical Damage and Mechanical Breakdown license – 3 hours in casualty (including automobile physical damage) insurance.

(f) Industrial Fire license – 3 hours in property insurance.

(g) Bail bond license – 9 hours in the criminal justice system, and a correspondence course for bail bond agents approved by the department.

(h) Life, Health, and Variable Annuity license – 3 hours in life insurance, health insurance and annuities.

(i) A Life and Variable Annuity license – 3 hours in life insurance and annuities.

(j) Health only license – 3 hours in health insurance.

(k) Title license – 3 hours in real estate or real property law.

(4) Industrial Fire Agents:

(a) Completed 3 semester hours of college credit, or its equivalent, in property insurance at an accredited institution of higher learning, or

(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.

(5) Bail Bondsmen:

(a) At least 6 semester hours of college credit, or its equivalent, in the criminal justice system, and

(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.

(6) Bail Bond Runners: At least 3 semester hours of college credit, or its equivalent, in the criminal justice system.

(7) Surplus Lines Agents:

Completed 60 hours of classroom instruction in surplus or excess lines insurance at an accredited institution of higher learning.

(8) Life Including Variable Annuity Agents:

(a) Completed 3 semester hours of college credit, or its equivalent, in life insurance, health insurance and annuities at an accredited institution of higher learning, or

(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.

(9) Health Agents:

(a) Completed 3 semester hours of college credit, or its equivalent, in health insurance at an accredited institution of higher learning, or

(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.

(10) Health Care Risk Managers – Risk Management Education Program: Completed 15 semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning.

(11) Title Agents: Completed 3 semester hours of college credit, or its equivalent, in real estate or real property law.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Formerly 4-211.210, Amended.

69B-211.220 Examinations.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History–New 4-11-94, Formerly 4-211.220, Repealed.

69B-211.230 Fees.

(1) Fees for courses shall be reasonable and clearly identified to students.

(2) If a course is cancelled for any reason, all fees shall be refunded ~~are refundable~~ by the course provider in full ~~unless the refund policy is clearly defined in the enrollment application and indicates otherwise. In all instances, fees must be refunded~~ within 45 days of cancellation.

(3) In the event a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full. The fees must be refunded within 45 days of postponement unless the student has notified the provider sponsor that he or she has chosen to participate in the postponed course.

(4) A provider shall sponsor ~~may~~ have a refund policy addressing a student's cancellation or failure to complete a course. The, as long as that policy shall be ~~is~~ clearly set forth in the course application provided to prospective students.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, ~~626.732(1)(a)~~, 626.7351, 626.7851, 626.8311, 626.8417, ~~626.927, 627.745, 648.34, 648.37~~ FS. History–New 4-11-94, Formerly 4-211.230, Amended.

69B-211.240 Facilities.

Classroom courses and monitored exams for correspondence courses ~~With the exception of correspondence courses, each course~~ shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of participants and is as ~~is~~ suitable for classroom-type instruction. The provider sponsor may limit the number of participants enrolled in a course.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Amended.

69B-211.250 Advertising.

(1) No change.

(2) No change.

(3) Advertising shall display the name and provider number of the course provider and the Florida course identification number.

(4)(a) Advertising relating to approved courses shall include the following statement: "This course has been approved by the Florida Department of Financial Services as a pre-licensing insurance education course."

(b) The statement shall be prominently displayed on any pamphlet, advertisement, or circular.

(5) An approved course provider that places, or causes to be placed, advertisement for courses bears sole responsibility for the content of the advertisement and its compliance with all applicable regulations.

Specific Authority 624.308(1), 626.2817, 626.9611 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.9541(1), 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Formerly 4-211.250, Amended.

69B-211.260 Study Aids.

Each school official shall, prior to the commencement of a qualification course or training program class, furnish to each student the name, distributor contact information, and distributor location of current study manual(s) prepared for the Department through contract entered into in accordance with Chapter 287, Florida Statutes, and verify the first day of class that each student has a copy of the latest edition of the approved study manual(s), if any. The approved course outline, laws, Department rules and rules of other governmental agencies relating to the specific license or certification, samples of current insurance policies and related forms pertaining to the course shall be furnished to the student by the approved entity. Study manuals are required for the following:

(1) General Lines Agent, Customer Representative, or Limited Customer Representative Course.

(2) Industrial Fire Agent.

(3) Life, Health, and Variable Annuity Agent ~~including Administrative Agent, life only agent~~ and health only agent.

(4) Title Agent.

(5) Surplus Lines Agent.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Formerly 4-211.260, Amended.

69B-211.270 Prohibited Practices.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History–New 4-11-94, Formerly 4-211.270, Repealed.

69B-211.280 Falsification of Reports.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 626.611, 626.621, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34 FS. History–New 4-11-94, Formerly 4-211.280, Repealed.

(Substantial rewording of Rule 69B-211.290 follows. See Florida Administrative Code for present text.)

69B-211.290 Submission of Forms Through the Education Database.

(1) The Department has established an online application process on its website for all activity relating to approval of providers, courses, course offerings, and instructors and to filing of rosters and other information relating to pre-licensing courses and mediation training required by rule or statute to be filed with the Department. The system is called the "Education Database" and it is accessed at <http://www.myfloridacfo.com>.

(2) All forms necessary to comply with filing requirements outlined in this rule part shall be filed through the Department's Education Database. All forms necessary to comply with filing requirements outlined in this rule are adopted and incorporated by reference in Rule 69B-228.180, F.A.C.

(3) The Education Database In-Box notification process will provide written verification of all application approvals. If, during the review process, the Department requests additional information through the Education Database, the provider shall respond to the request for additional information using the Education Database.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Formerly 4-211.290, Amended.

69B-211.300 Transition Time in the Event of Rule Changes.

Any entity whose status or course is affected by the effective date of this rule part or amendment of this rule part shall have up to 90 days to bring their program or status into compliance with this rule part and amendments. Requirements for fees, form processing, conduct of classes and examinations, instructors, speakers, students, and school officials, shall apply immediately.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History–New 4-11-94, Formerly 4-211.300, Repromulgated.

69B-211.310 Grounds for Disapproval or Suspension or Revocation of Approval of a Provider, School Official, or Instructor; Other Penalties.

(1) An application or Certification of Instructor Form that remains incomplete for a period of 6 months after receipt by the Department will be considered null and void.

(2) The Department shall deny an application for, suspend, revoke, or refuse to renew or continue the application of a provider, school official, or instructor if it finds that any one or more of the following grounds exist:

(a) The individual has had any license or eligibility for a license to engage in the business of insurance suspended or revoked by this or any other state, country, or territory, or the individual has otherwise violated any insurance regulation, including this rule part.

(b) The individual has had an administrative fine imposed against any license to engage in the business of insurance as a result of allegations of:

1. Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment;

2. Fraudulent or dishonest practices in the conduct of the business of insurance.

(c) The individual has been found guilty of or has pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country which involves moral turpitude or the business of insurance, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(d) The individual has not otherwise met the qualifications specified in this rule or has violated any provision of this rule part.

(e) The individual lacks the knowledge, competence, fitness or trustworthiness to fulfill the educational objectives of Sections 626.2815, 626.2817, 627.7015, 627.7074, 627.745, 648.385, and 648.386, F.S.

(f) The individual submitted a Course Roster to the Department which included the name of an individual who did not successfully complete the course or issued a Certificate of Completion to an individual who did not successfully complete a course.

(3) The Department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or continue approval of the application of a provider, school official, or instructor if it finds that any one or more of the following grounds exist:

(a) The individual has been found guilty of or has pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of

any other country which does not involve moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(b) The individual has had an administrative fine imposed against any license to engage in the business of insurance except as a result of allegations that require disapproval or suspension or revocation of approval pursuant to subsection (2) above.

(4) The Department shall impose the following penalties on a provider upon a Department finding of a violation of this rule part, or Sections 626.2815, 626.2817, 648.385, and 648.386 626.869(5), Florida Statutes, by providers entities, school officials, instructors, or monitors, to the extent necessary to provide restitution or otherwise remedy the violation and to prevent future violations:

(a)(1) Order the refund of all course tuition and fees to licensees.

(b)(2) Require providers entities, school officials, instructors, and/or monitors to provide licensees with a suitable course to replace the course that was found in violation.

(3) Withdraw approval of courses sponsored by such provider for a period of 2 years.

(5)(4) Suspend or revoke the authority to instruct or deny the approval of an instructor, speaker, lecturer, or monitor if the Department finds a violation of any provision of Section 626.611 or 626.621, Florida Statutes, or any subsection of this rule part, or the person has had any disciplinary action taken against any license relating to the business of insurance issued by this or any other state, country, or territory at any time before or after being approved in this state. The degree of penalty in subsection (3) will depend on the degree of impact on education, number of students affected, and frequency of the offense.

(6)(5) No change.

(7) The following fines shall be assessed on a provider, unless otherwise specified, for the following apply to specific instances of misconduct, and are not exclusive of other penalties set forth in this rule part:

(a) Failure to file or late Late filing of required forms in accordance with the applicable submission procedures and timeframes by statute or this rule part original forms on approved courses – \$100 per form. Lateness shall be evidenced by the Department date received stamp. Forms are required to be original and facsimile transmissions will not be accepted to prevent late filing status. Changes to information on approved original forms shall be sent to the Department as soon as knowledge of the change occurs.

(b) Advertising, soliciting attendance for, or providing, any course before the Department has notified the school official of the approved status of the course application or course offering – \$1,000 per incident.

(c) Instruction of any portion of the course ~~class~~ by an unapproved instructor – \$500 penalty to instructor and sponsoring entity.

(d) Failure to maintain course completion and attendance records for audit for ~~4~~ 3 years following the completion date of each offering – \$500 per audit.

(e) Falsification of any document, form, outline or information filed with the Department in connection with any course – \$1,000 per violation.

(f) Failure to use only the approved outline on file with the Department – \$500 per violation.

~~(g) Failure to conduct a course for the total required hours – \$500 per violation. Failure to notify the Department within 30 days of a change of address – \$100 per violation.~~

(8) If an instructor has been denied approval by the Department to instruct pre-licensing courses or mediation training, a 6-month waiting period must elapse before a new application may be submitted.

Specific Authority 624.308(1), ~~626.2817~~ FS. Law Implemented 624.307(1), 624.418, 624.4211, ~~626.2817~~, 626.611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, ~~627.7015, 627.7074, 627.745, 648.34, 648.386 648.37~~ FS. History–New 4-11-94, Formerly 4-211.310, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-6.028 RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide the Department alternative means and methods by which it may calculate an employer’s imputed payroll and penalty, to clarify the timeframe within which such imputation may occur, and to define the meaning of “non-compliance” within the meaning of the rule. Additionally, the proposed rule amendment deletes language from the existing rule regarding penalty assessments for periods of noncompliance that occurred prior to October 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Imputing payroll for employer penalty calculations under Section 440.107(7)(e), Florida Statutes.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(e) FS.

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

DATE AND TIME: Monday, November 10, 2008, 10:00 a.m.

PLACE: 104 J Hartman Bldg., 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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Tasha Carter at (850)413-1878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tasha Carter, Bureau Chief, Bureau of Compliance, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) In the event an employer fails to provide business records sufficient for the department to determine the employer’s payroll for the time period requested in the business records request for the calculation of the penalty pursuant to Section 440.107(7)(e), F.S., the department shall impute the employer’s payroll at any time after five, but before the expiration of twenty at any time after the expiration of fifteen business days after receipt by the employer of a written request to produce such business records.

(2) The employer’s period of non-compliance shall be either the same as the time period requested in the business records request for the calculation of the penalty or an alternative period of non-compliance as determined by the department, whichever is less. The department may determine an alternative period of non-compliance by obtaining records from other sources during the department’s investigation of the employer that evidence a period of non-compliance different than the time period requested in the business records request for the calculation of the penalty.

(a) For purposes of this rule, “non-compliance” means the employer’s failure to secure the payment of workers’ compensation pursuant to Chapter 440, F.S.

~~(3)(2)~~ When an employer fails to provide business records sufficient to enable the department to determine the employer’s payroll for the time period requested in the business records request for purposes of calculating the penalty provided for in Section 440.107(7)(d), F.S., the imputed weekly payroll for each employee, corporate officer, sole proprietor or partner ~~for the portion of the period of the employer’s non-compliance occurring on or after October 1, 2003~~ shall be calculated as follows:

(a) For each employee, ~~employees~~ other than corporate officers, ~~for each employee~~ identified by the department as an employee of such employer at any time during the period of the employer’s non-compliance, the imputed weekly payroll for each week of the employer’s non-compliance for each such employee shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time

the stop-work order was issued to the employer, multiplied by 1.5. Employees include sole proprietors and partners in a partnership.

(b) If the employer is a corporation, for each corporate officer of such employer identified as such on the records of the Division of Corporations at the time of issuance of the stop-work order, the imputed weekly payroll for each week of the employer's non-compliance for each such corporate officer shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5.

(c) If a portion of the period of non-compliance includes a partial week of non-compliance, the imputed weekly payroll for such partial week of non-compliance shall be prorated from the imputed weekly payroll for a full week.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities. If, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code, such classification code will be applicable to all employees. However, the department may assign an alternative workers' compensation classification code for an employee based upon the investigator's physical observation of that employee's activities.

~~(3) If subsequent to imputation of weekly payroll pursuant to subsection (2) herein, but before and only until the expiration of forty five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), F.S., the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.~~

(4) If the department imputes the employer's payroll, the employer shall have twenty business days after service of the order assessing the penalty to provide business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance. If the employer provides such business records, the department shall recalculate the employer's penalty pursuant to Section 440.107(7)(d), F.S. If business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance are not provided to the department within twenty business days after service of the order assessing the penalty, the penalty based upon the time period requested for the calculation of the penalty imputing the employer's payroll for the time period in the business records

~~request for the calculation of the penalty will remain in effect. Where periods of the employer's non-compliance occurred prior to October 1, 2003, and the employer fails to provide business records sufficient to enable the department to determine the employer's payroll for periods of non-compliance prior to October 1, 2003, for purposes of calculating the penalty to be assessed against the employer for periods of non-compliance prior to October 1, 2003, the department shall assess against the employer a penalty of \$100 per day for each and every calendar day in the period of non-compliance occurring prior to October 1, 2003, the employer was not in compliance, pursuant to Section 440.107(5), F.S. (2002).~~

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5)(2002), 440.107(7)(e) FS. History--New 7-12-05, Amended 8-31-06,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-10.006	Definitions
69L-10.012	Review of Proof of Claim
69L-10.015	Deemed Denial – 120 Day Time Period
69L-10.016	Documenting Expenditures for Purposes of Obtaining Reimbursement
69L-10.017	Reimbursement to Subsequent Employer
69L-10.019	Forms

PURPOSE AND EFFECT: To revise forms to comply with Section 119.071(5), F.S. (2007), that precludes an agency from collecting an individual's social security number unless such collection conforms to specified provisions of that statute. Forms SDF-1 (Proof of Claim), and SDF-2 (Reimbursement Request), incorporated by reference in Rule 69L-10.019, F.A.C., are renumbered, and amended so that the collection of the social security number is discontinued. Form SDF-6 (Explanation of Benefits), incorporated by reference in Rule 69L-10.016, F.A.C., is renumbered, and amended so that the collection of the social security number is discontinued. In lieu of social security numbers, the revised forms shall utilize an "SDTF Claim Number" for purposes of identifying and tracking claims. Rule 69L-10.017, F.A.C., is deleted, as there is no statutory authority for the reimbursements prescribed in the rule. In addition, Form SDF-5 (Claim for Reimbursement for Salary), incorporated by reference in Rule 69L-10.019, F.A.C., is deleted from the rule for the same reason. Finally, Rule 69L-10.006, F.A.C., is amended to reflect the renumbering of Form SDF-6 to DFS-F1-SDF-6. Rule 69L-10.012, F.A.C., and Rule 69L-10.015, F.A.C., are amended to reflect the renumbering of Form SDF-1 to DFS-F1-SDF-1 and to amend

the rules specific authority. Rule 69L-10.016, F.A.C., is amended to reflect the renumbering of Form SDF-2 to DFS-F1-SDF-2 and also amends the rule's specific authority. SUBJECT AREA TO BE ADDRESSED: Revision of forms for renumbering and to eliminate the collection of social security numbers, and to amend specific authority; also deletes Rule 69L-10.017, F.A.C., and Form SDF-5 for lack of statutory authority.

SPECIFIC AUTHORITY: 440.49(2), (7), 440.591 FS.

LAW IMPLEMENTED: 440.49 FS.

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

DATE AND TIME: Tuesday., November 4, 2008, 10:00 a.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Lloyd at (850)413-1689. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Eric Lloyd, Manager, Special Disability Trust Fund, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4223, (850)413-1689

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-10.006 Definitions.

(1) CLAIMANT – an insurance carrier, self-insurance fund, or employer seeking reimbursement from the SDTF.

(2) REPRESENTATIVE – a person representing a claimant such as an attorney or a service organization.

(3) NOTICE OF CLAIM – The document[s] submitted by a claimant that places the SDTF on notice of the claim.

(4) PROOF OF CLAIM – The document[s] submitted by a claimant that includes a completely filled out DFS Form ~~DFS-F1-SDF-1~~ (rev. ~~12/94~~) with all required documents attached to fully support the claim.

Specific Authority 440.49(2), 440.591 FS. Law Implemented 440.49 FS. History–New 4-19-92, Amended 8-18-93, Formerly 38F-10.006, 4L-10.006, Amended.

69L-10.012 Review of Proof of Claim.

The SDTF will not consider a claim ripe, or mature, for review purposes, until a Proof of Claim is filed complete with all the necessary documents required by DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/94~~). If a Proof of Claim is placed in line for review and it is discovered that certain documents or required information have not been provided by the claimant, the SDTF will advise the claimant in writing of the incomplete claim and will not review the claim until the missing information or document has been supplied by the claimant.

Specific Authority 440.49(7), 440.591, 440.49(2)(g) FS. Law Implemented ~~440.49(2)~~ FS. History–New 4-19-92, Formerly 38F-10.012, 4L-10.012, Amended.

69L-10.015 Deemed Denial – 120 Day Time Period.

The 120 days that the SDTF has to accept a claim after it has been filed begins to run at the time the SDTF receives a fully completed Proof of Claim on DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/94~~). Upon receipt of said form the SDTF shall notify the claimant within twenty-one (21) days of receipt that said form is complete and contains the required documents. If the form is complete the 120 days begins to run. If it is not complete and the SDTF notifies the claimant within the twenty-one (21) day period, then the 120 days from notice of claim does not begin to run until the claimant submits all the required documents necessary to support the claim.

Specific Authority 440.49(7), 440.49(2)(g) FS. Law Implemented ~~440.49(2)~~ FS. History–New 4-19-92, Formerly 38F-10.015, 4L-10.015, Amended.

69L-10.016 Documenting Expenditures for Purposes of Obtaining Reimbursement.

In order to obtain reimbursement after an offer of reimbursement has been extended by the Fund, an employer/carrier shall file with the Fund a Form ~~DFS-F1-SDF-2~~ SDF-2, as adopted in Rule 69L-10.019, F.A.C., with supporting schedules and documentation of expenditures as set forth below.

(1) Expenditures for Medical Benefits. Expenditures for medical benefits must be documented by the submission of applicable Division forms, as adopted in Rule 69L-3.025, F.A.C., showing compliance with the fee schedules adopted in Rule 69L-7.020, F.A.C., and applicable utilization review procedures such as medical bills marked “paid” or an EOB that was completed contemporaneously with the processing of the medical payments together with corroborating documentation of amount paid (e.g., computer printouts, ledger sheets, or copies of checks). The EOB shall be in the format prescribed by the Fund in DFS Form ~~DFS-F1-SDF-6~~ SDF-6, REV. ~~8/98~~, which form is hereby adopted by reference. DFS form ~~DFS-F1-SDF-6~~ SDF-6 may be obtained from the SDTF at the address set out in Rule 69L-10.019, F.A.C. If the carrier is unable to provide the data on the forms adopted by this section

they may submit their own version of an EOB provided that it contains all of the elements of the ~~DFS-F1-SDF-6~~SDF-6. The SDTF shall request additional information documenting expenditures by health care providers if necessary to prove that the benefits requested for reimbursement are related to the injury and are required to be provided under Section 440.49, F.S. Computer printouts or ledger sheets are not acceptable forms of documenting expenditures for medical benefits unless accompanied by medical bills marked paid or an ~~DFS-F1-SDF-6~~SDF-6 or its equivalent.

(2) Expenditures for Compensation Voluntarily Paid.

(a) When temporary or permanent disability compensation, permanent impairment benefits, or death benefits have been voluntarily paid, such benefits may be documented by Progress/Final Report, DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which were prepared contemporaneously with payment, or by copies of checks. If the DWC-13 forms were not prepared contemporaneously with the payment of compensation, computer printouts or ledger sheets may be used to corroborate the payment. However, in regard to each of these classes of benefits, if the total payment listed on the DWC-13 form, printout, or ledger for a particular class is greater than the rate of compensation multiplied by the number of calendar weeks in the period, copies of checks must be supplied to document expenditures.

(b) When wage-loss benefits have been voluntarily paid, such benefits shall be documented only by copies of checks or by copies of fully completed Request for Wage Loss/Temporary Partial Benefits, DWC-3 forms, as adopted in Rule 69L-3.025, F.A.C.

(3) Expenditures for Compensation Pursuant to Order. When temporary or permanent disability compensation, permanent impairment benefits, death benefits or wage-loss benefits have been paid pursuant to an order of the Judge of Compensation Claims, which has become final, payment can be documented by providing a copy of the order.

(4) Miscellaneous.

(a) Changes in the rate of compensation shall be established by Notice of Action/Change, DFS DWC-4 forms and by DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which set forth the number of weeks paid at each rate of compensation. If the DWC-13 forms were not prepared contemporaneously with payment, then computer printouts or ledger sheets may be used to corroborate the change in the compensation rate. Copies of checks are also a sufficient means of documenting changes in the rate of compensation.

(b) Changes in the class of benefits paid by the employer/carrier shall be documented by DFS DWC-4 forms which set forth the date that a prior category of benefits was terminated, as well as the date that a subsequent class of benefits was first paid.

Specific Authority ~~440.49(7), 440.49(2)(g), 440.591~~ FS. Law Implemented ~~440.49(2)~~ FS. History–New 4-19-92, Amended 8-18-93, Formerly 38F-10.016, 4L-10.016, Amended.

69L-10.017 Reimbursement to Subsequent Employer.

~~(1) An employer may seek reimbursement pursuant to the provisions of paragraph 440.49(2)(k), Florida Statutes, which would reimburse the employer for hiring an employee who has incurred a permanent impairment from a Florida workers' compensation injury and has been unemployed as a result of his injury for two (2) consecutive years after the date of accident.~~

~~(2) Any employer seeking reimbursement shall file a Claim For Reimbursement for Salary on DFS Form SDF-5 (12/91). The Claim for Reimbursement for Salary shall be filed within a six (6) month period from the date the employee is hired or the claim is forever barred.~~

~~(3) Any Claim for Reimbursement for Salary that is denied by the SDTF will be barred unless the claimant files an application for hearing with the Division within sixty (60) days after receipt of notice that their claim has been denied. The application for hearing shall be filed in the manner as provided by Section 440.49(2)(g), Florida Statutes.~~

Specific Authority 440.49(2)(k) FS. Law Implemented 440.49(2) FS. History–New 4-19-92, Formerly 38F-10.017, 4L-10.017, Repealed.

69L-10.019 Forms.

The following forms are incorporated by reference into these rules and are available from and shall be filed with: SDTF, Division of Workers' Compensation, 200 East Gaines Street, Tallahassee, FL 32399-4223.

(1) DFS Form ~~DFS-F1-SDF-1~~SDF-1 – Proof of Claim (Rev. ~~12/91~~).

(2) DFS Form ~~DFS-F1-SDF-2~~SDF-2 – Reimbursement Request ~~Request For Reimbursement~~ (Rev. ~~3/92~~).

~~(3) DFS Form SDF-5 – Claim For Reimbursement for Salary (9/91).~~

Specific Authority ~~440.49(7), 440.591 440.49(2)(g), 440.30~~ FS. Law Implemented ~~440.49(2)~~ FS. History–New 4-19-92, Amended 8-18-93, Formerly 38F-10.019, 4L-10.019, Amended.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:

- 69V-40.025
- 69V-40.031
- 69V-40.100
- 69V-40.200

RULE TITLES:

- Mortgage Broker Examination Application Procedure for Mortgage Broker License
- Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
- Application Procedure for Mortgage Lender License

69V-40.220 Application Procedure for Correspondent Mortgage Lender License

69V-40.242 Principal Representative PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed House Bill 5049. This bill amends Section 494.0033, F.S., to require the Office of Financial Regulation to make available an electronic version of the mortgage broker test by December 31, 2008. Persons required to take the mortgage broker test are required to bear the actual cost for the electronic version of the test; however, the fee may not exceed \$75. House Bill 5049 was signed into law (Chapter 2008-135, Laws of Florida) by Governor Crist. The proposed rules will implement these statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Mortgage Broker Test.

SPECIFIC AUTHORITY: 494.0011, 494.0033, 494.0016, 494.0061, 494.0062, 494.0065, 494.0067 FS.

LAW IMPLEMENTED: 120.60, 120.695, 494.0033, 494.0061, 494.0062, 494.0065, 494.0067 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@flofr.com. A request for a rule workshop must be in writing and received by the Office of Financial Regulation no later than 5:00 p.m. on October 10, 2008

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

DEPARTMENT OF MILITARY AFFAIRS

RULE NOS.: RULE TITLES: 70-2.001 Application for Educational Assistance Programs 70-2.002 Noncompliance with Educational Assistance Programs

PURPOSE AND EFFECT: Purpose and effect for both Rules 70-2.001 and 70-2.002, F.A.C., is to implement provisions of Section 250.10, F.S. relating to education assistance programs.

SUBJECT AREA TO BE ADDRESSED: Application for Educational Assistance Programs; Noncompliance with Educational Assistance Programs.

SPECIFIC AUTHORITY: 250.10 FS.

LAW IMPLEMENTED: 250.10 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lieutenant Colonel Elizabeth C. Masters, (904)823-0131 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE: 59G-6.020 Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2008, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriations 206, 207, 238, and 239 and House Bill 5085, Section 5, which amended section 409.908, Florida Statutes.

1. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$154,333,435 rate reduction through an additional Medicaid Trend Adjustment. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.