

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Licensing

RULE TITLES RULE NOS.:

Organization 1C-3.100

Classification of Licenses; Insurance; Fees 1C-3.116

PURPOSE AND EFFECT: To amend portions of rules in ch. 1C-3 relating to proprietary security officers, since ss. 5, 6, 7 and 8, ch. 96-407, Laws of Florida repealed statutory language authorizing the implementation of those portions of rules, effective July 1, 1997. The effect is that references to an application form and registration fee for proprietary security officers will be removed from ch. 1C-3.

SUBJECT AREA TO BE ADDRESSED: Registration of proprietary security officers, the fee and form for registration.

SPECIFIC AUTHORITY: 493.6103, 493.6306 FS. (1991)

LAW IMPLEMENTED: 493.6306 FS.

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

TIME AND DATE: 10:00 a.m., September 22, 1999

PLACE: Library/Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing, The Capitol, MS #4, Tallahassee, FL 32310, Telephone: (850)488-3492; Fax: (850)488-2789

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1C-3.100 Organization.

The Division of Licensing (Division), Department of State (Department) is statutorily empowered with the authority to ensure that the public is protected

from private investigation, security, and repossession services by individuals who have a criminal history, or are insufficiently or improperly trained in the field, or are unlicensed, or by agencies that are improperly insured, or are managed in a manner which does not assure compliance with the law and these rules by its licensed employees.

(1) through (5) No change.

(6) Division Forms. Requests for public information or copies of the following applications and support forms, which are incorporated by reference in this rule, may be made by contacting any Division office. Addresses for each Division office are listed in section (2) of this rule.

~~Application for Class "PD" Proprietary Security Officer Registration~~ ~~LC2E169 (eff. 7/95)~~

(7) No change.

Specific Authority 493.6103 FS. Law Implemented 120.53, 120.54(5)(b)5., 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) FS. History--New 2-4-91, Amended 7-31-96,_____.

1C-3.116 Classification of Licenses; ~~and~~ Insurance; Fees.

(1) through (3)(e) No change.

~~(f) The fee for biennial registration of Class "PD" proprietary security officers shall be \$30~~

(g) through (h) renumbered (f) through (g) No change.

Specific Authority 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS. Law Implemented 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402 FS. History--New 2-4-91, Amended 7-31-96,_____.

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Maternity Benefit Coverage 4-154.413

PURPOSE AND EFFECT: To adopt a rule clarifying the responsible party for maternity benefits coverage under various circumstances.

SUBJECT AREA TO BE ADDRESSED: Maternity benefits coverage.

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 627.6561(4)(a)3., 627.666, 627.667, 627.6699(5)(f), 641.3107(4)(a)3., 641.3111(3), 641.32071(4)(a)3., 641.3905 FS.

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

TIME AND DATE: 10:00 a.m., Friday, September 24, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Don Dillard, Senior Management Analyst II, Division of Insurer Services, L&H Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5154

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Don Dillard at (850)413-5154.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON SEPTEMBER 10, 1999.

DEPARTMENT OF INSURANCE

RULE TITLE: Maternity Benefit Coverage
RULE NO.: 4-154.519

PURPOSE AND EFFECT: To adopt a rule clarifying the responsible party for maternity benefits coverage under various circumstances.

SUBJECT AREA TO BE ADDRESSED: Maternity benefits coverage.

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 627.6561(4)(a)3., 627.666, 627.667, 627.6699(5)(f), 641.3107(4)(a)3., 641.3111(3), 641.32071(4)(a)3. 641.3905 FS.

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Livestock Markets; Diseased Animals
RULE CHAPTER NO.: 5C-5

RULE TITLES: Definitions
RULE NOS.: 5C-5.001

Diseased Animals 5C-5.002

Facilities 5C-5.003

Dealer Registration and Record Keeping 5C-5.004

PURPOSE AND EFFECT: The purpose and effect of these rule changes is to eliminate the requirements of routine disinfection of markets and make requirements the same as federal regulations; create a fee for livestock dealer registration.

SUBJECT AREA TO BE ADDRESSED: This rule delineates requirements of market disinfection and creates an annual fee for dealer registration.

SPECIFIC AUTHORITY: 585.002(4), 585.08(2) FS.

LAW IMPLEMENTED: 585.01(13), 585.11(1),(2), 585.14, 585.145(1),(2) FS.

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

TIME AND DATE: 10:00 a.m., September 10, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jay S. Levenstein, Chief, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800, Phone (850)488-7182

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-5.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) No change.

(2) Livestock Dealer – any person engaged in the business of buying or selling livestock in commerce either on his own account or as the employee or agent of the vendor and/or purchaser, or any person engaged in the business of buying or selling livestock in commerce on a commission basis. The term shall not include a person who buys or sells livestock as part of his own bona fide breeding, feeding, or dairy and/or beef operations and is not engaged in the business of buying, selling, trading or negotiating the transfer of livestock, nor a person who receives livestock exclusively for immediate slaughter on his own premises.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.145(1),(2), 585.01(13) FS. History—Amended 9-1-72, 9-30-80, Formerly 5C-5.01, Amended 6-4-95, _____.

5C-5.002 Diseased Animals.

(1) No change.

(2) All livestock presented at livestock markets on regular sale days shall be inspected by an employee of the department and any animal showing evidence of infection with any infectious, contagious or communicable disease or infestation with pests which have been declared as dangerous transmissible pests or fail to meet established health requirements shall be denied entry.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.145(1),(2) FS. History—Amended 5-20-63, Formerly 5C-5.02, Amended 6-4-95, _____.

5C-5.003 Facilities.

(1) No change.

(2) All livestock markets shall be maintained in a clean and sanitary condition thoroughly cleaned and disinfected weekly or more often if deemed necessary under supervision of a representative of the Division. Each market operator shall be responsible for the proper cleaning of his market. Facilities used in connection with the interstate movement of infected or exposed livestock, shall be cleaned and disinfected under the supervision of a representative of the Division in accordance with 9 C.F.R. §§ 50.13, § 51.8, § 53.7, and § 85.13 (1999). Disinfecting equipment and materials will be furnished by the department.

(3) Materials, 9 C.F.R. §§ 50.13, Disinfection of premises, conveyances, and materials, § 51.8, Disinfection of premises, conveyances, and materials, § 53.7, Disinfection of premises, conveyances, and materials, and § 85.13, Cleaning and disinfecting livestock markets and other facilities, (1999) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2) FS. History—Amended 5-20-63, Formerly 5C-5.03, Amended 6-4-95,_____.

5C-5.004 Dealer Registration and Record Keeping.

(1) All livestock dealers must have a permit from the Department. The operator of a market operating under a USDA-APHIS, Approved Agreement For Handling Livestock in Interstate Commerce pursuant to Title 9 of the Code of Federal Regulations shall not be required to have a permit as a dealer.

(a) Application for a livestock dealer's permit shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Post Office Box 6710, Tallahassee, Florida 32314.

(b) The application for a livestock dealer's permit must be accompanied by a fee of \$50.00 paid by certified check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(c) The permit shall expire September 30 of each year and must be renewed prior to expiration. A fee of \$50.00 must be paid for annual renewal of the permit.

(d) The permit shall bear the name of the dealer and his or her business address.

(2)(+) Every livestock market and dealer shall keep complete records containing the names and addresses of persons, firms and partnerships or corporations bringing to or offering livestock for sale at such markets or to such dealers. Such records shall show the name and address of the owner of said livestock, and the names and addresses of the purchaser or

purchasers of said livestock. All records must be kept for a minimum of two years and must be made available for review upon request by a state or federal representative.

(2) ~~Any dealer who purchases, deals in, or sells cattle; or who acts as a commission representative or broker; or who operates and conducts an auction where cattle are sold must be licensed and bonded. Each registered or licensed person, firm or corporation shall keep sufficient records, for a minimum of two years, of all test-eligible animals purchased for resale to successfully trace such animals to their herd of origin. Any dealer or firm involved may be denied registration or have their registration suspended or canceled when one of the following occurs:~~

(a) ~~There is adequate evidence to establish intent to violate or circumvent record keeping requirements of this section and/or animal health regulations;~~

(b) ~~There is a demonstrated history of repeated inability to trace back to the point of origin those exposed or reactor animals handled by the dealer.~~

(3) A dealer will be denied a permit or have the permit revoked or be subject to penalties as provided in Chapter 585, Florida Statutes, when the Department has determined that:

(a) The dealer violated or circumvented recordkeeping requirements of this section or other animal health regulations; or

(b) The dealer failed to provide records for review when requested; or

(c) The dealer conducted business regulated by this section after revocation of the permit or failed to acquire such a permit; or

(d) The dealer has had a permit revoked within one year.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.14, 585.145(1),(2) FS. History—Amended 9-1-72, 9-30-80, Formerly 5C-5.04, Amended 6-4-95,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll RULE NO.:

Rate Schedule 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the Western Beltway, Part C. Section 338.155(1), Florida Statutes, does not permit the use of the State's toll facilities without paying a toll. The Florida Department of Transportation will construct the Western Beltway, Part C from Interstate 4 in Osceola County to Seidel Road in Orange County, a distance of approximately 11 miles. Tolloed ramps are proposed to be located at the following interchanges: US 192 and Seidel Road. A mainline toll plaza will also be constructed north of US 192.

Additionally, the Western Beltway, Part C from Seidel Road to SR 50 will be constructed by the Orlando/Orange County Expressway Authority.

SUBJECT AREA TO BE ADDRESSED: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation’s construction of the Western Beltway, Part C from Interstate 4 to Seidel Road and its associated toll plazas. The project is located in Osceola and Orange counties. The toll rate workshop is being held in conjunction with the Project Development and Environment (PD&E) Public Hearing for the section of the Western Beltway, Part C from I-4 to US 192.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

TIME AND DATE: 7:00 p.m., September 16, 1999 (Informal session to begin at 6:00 p.m.)

PLACE: Doubletree Resort and Conference Center, 3011 Maingate Lane (off US 192, 2.8 miles west of Interstate 4), Kissimmee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, 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:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, and June 21, 1999, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: 990994-TP – Proposed Amendments to Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunication Companies

RULE TITLES:	RULE NOS.:
Definitions	25-4.003
Customer Billing for Local Exchange Telecommunication Companies	25-4.110
Refusal or Discontinuance of Service by Company	25-4.113
Refunds	25-4.114
Information Services	25-4.119

PURPOSE AND EFFECT: The purpose of the proposed rule is to require companies to follow prescribed procedures when providing information services. The proposed amendments prescribe billing information to be included on a customer’s bill to inform the customer of the services received and the charges associated with the services. The proposed amendments provide for refund procedures when a company overcharges a customer and guidelines for Lifeline service disconnection. The purpose of these changes is to give the customer control over what may be charged on the customer’s bill. The effect of the propose amendments is to generate clear bills that customers understand, provide the customer with control over the charges on the customer’s bill, and to provide the customer with adequate information to make informed choices about the services he chooses.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address information contained in customer bills, options to block certain billing, and sales disclosure requirements.

SPECIFIC AUTHORITY: 350.127(2), 364.604(5), 427.708(8) FS.

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.055, 364.07, 364.08, 364.113, 364.14, 364.15, 364.17, 364.19, 364.337, 364.602, 364.603, 364.604, 427.704 FS.

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

TIME AND DATE: 10:00 a.m., September 28, 1999

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL

Comments to the proposed amendments are requested and should be submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 by September 13, 1999.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.003 Definitions.

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

(1) through (3) No change.

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

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

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

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

(40) “Originating Party.” Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in s. 364.02(12).

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

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

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) Each company shall issue bills monthly.

(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) There shall be a heading for each originating party which is billing to that customer account, for that billing period. The heading shall provide the originating party’s name and toll-free customer service number. If the originating party is a certificated telecommunications company, the certificated name must be shown. Any originating party not appearing on the previous bill for that customer account must be denoted in conspicuous bold face type.

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

(c) 1. Taxes, fees, and surcharges must be shown immediately below the following distinct subheadings under each originating party heading:

a. Taxes and Fees for Florida Regulated Service;
b. Taxes, Fees, and Surcharges for Federal Regulated Service; and

c. Taxes, Fees, and Surcharges for Nonregulated Service.

2. Taxes and Fees for Florida Regulated Services must use the following standard terminology:

a. County Franchise Fees;

b. Municipal Franchise Fees;

c. County Local Option Sales Tax;

d. County Utility Tax;

e. Municipal Utility Tax;

f. Florida Gross Receipts Tax; and

g. Florida Sales Tax.

3. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with FCC terminology. If the FCC has not developed standard terminology, then the following terms must be used:

a. Federal Long Distance Access Fee;

b. Federal Universal Service Fee;

c. Federal Number Portability Fee;

d. Federal Excise Tax

(d) Each bill shall show the delinquent date, set forth a clear listing of all charges due and payable, and contain the following statement:

“Written itemization of local billing available upon request.”

4. Taxes, Fees, and Surcharges for Nonregulated Service must use the following standard terminology:

a. Florida Sales Tax

b. Federal Excise Tax

(a) through (8) renumbered (3) through (4)(h) No change.

(i) State, federal, or local authority for each tax, fee, and surcharge; and

(j) The line items which comprise the assessment base for each percentage based tax, fee, and surcharge.

(5)(e) ~~Any~~ Each bill rendered by a local exchange company shall:

1. Separately state the following items:

(a) ~~a~~- Any discount or penalty, if applicable;

(b) ~~b~~- Past due balance;

(c) ~~c~~- Unregulated charges, identified as unregulated;

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

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

(f) ~~f~~- Usage-based local charges, if included in the bill; Taxes, as applicable on purchases of local and long distance service; and

(g) Telecommunications Access System Surcharge, per Rule 25-4.160(3);

(h) “911” fee per Section 365.171(13), Florida Statutes;

(i) Assessment base and rate for each percentage based tax, fee, and surcharge;

(j) Delinquent date; and

(k) A statement that free blocking of Information Services is available upon request.

~~(1)2. A Contain a statement that "your local service may not be disconnected if you pay _____." The amount that must be paid to avoid nonpayment of regulated charges may result in discontinuance of service must be calculated in accordance with Rule 25-4.113 and that the customer may contact the business office (at a stated number) to determine the amount of regulated charges in the bill .~~

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

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

(a) through (c) No change.

~~(11) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.~~

~~(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:~~

~~1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;~~

~~2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;~~

~~3. The local or toll free number the end user/customer can call to dispute charges;~~

~~4. The name of the IXC providing 900 service; and~~

~~5. The Pay Per Call service (900 or 976) program name.~~

~~(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:~~

~~1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is~~

~~announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in Section (11)(b)3-;~~

~~2. Provides an 18-second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;~~

~~3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call and shall not include the enticement of a gift or premium;~~

~~4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 and 976) number;~~

~~5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;~~

~~6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;~~

~~7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and~~

~~8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.~~

~~(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust~~

the first bill containing Pay Per Call charges upon the end user's/ customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/ customer may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out of date information; or

5. The end user/customer terminated the call during the preamble described in 25-4.110(11)(b)2., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

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

(16)(13) By January 1, 1999, or six months after the effective date of this rule, whichever is later, the customer must be given notice on the first or second page of the

customer's next bill in conspicuous bold face type when the customer's provider of local, local toll, or toll service has changed.

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

25-4.113 Refusal or Discontinuance of Service by Company.

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

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3), provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company, nor discontinue a customer's Lifeline service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and relay service are paid. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) through (5) No change.

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

25-4.114 Refunds.

(1) through (8) No change.

(9) Where any overcharge in billing is the result of a company mistake, the company shall refund any such overcharges in accordance with 25-4.114(4) and 25-4.114(5).

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.05(4), 364.055(2), 364.07, 364.08, 364.19, 364.604 FS. History--New 8-17-83, Amended _____.

25-4.119 Information Services.

(1) This section applies to LECs that provide transmission services to any originating party that provides Information Services, provide Information Services and serve as the billing party on its own behalf, or serve as the billing party on behalf of any originating party that provides Information Services. Billing requirements for Information Services are provided in 25-4.110(1)(c).

(2) LECs who have a tariff or contractual relationship with an originating party or its agent shall not provide transmission services or billing services, unless the originating party does each of the following:

(a) Provides a preamble to the Information Service which states the per minute and total minimum charges; child's parental notification requirement is announced on preambles for all Information Services where there is a potential for minors to be attracted to the service; child's parental notification requirement in any preamble to an Information Service targeted to children must be in language easily understandable to children; and Information Services that do not exceed \$3.00 in total charges may omit the preamble, except as provided in Section (2)(c);

(b) Provides an 18-second billing grace period in which the customer can disconnect the Information Service without incurring a charge; from the time the Information Service is initiated at the originating party's premises, the preamble message must be no longer than 15 seconds. The Information Service may allow a customer to affirmatively bypass a preamble;

(c) Provides on each Information Service promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the Information Service preamble. Children's Information Services shall not have rates in excess of \$5.00 per call and shall not include the enticement of a gift or premium;

(d) Promotes its Information Services without the use of an auto-dialer or broadcasting of tones that dial an Information Services number;

(e) Prominently discloses the additional cost per minute or per call for any other telephone number that a customer is referred to either directly or indirectly;

(f) In all advertising and promotional materials, displays charges immediately above, below, or next to the Information Service number, in type size that can be seen as clearly and conspicuously at a glance as the Information Service number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Information Service number is shown, each time the Information Service number is shown. Oral representations shall be equally as clear;

(g) Provides on Information Services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the customer stays on the line;

(h) Meets internal standards established by the LEC as defined in the applicable tariffs or contractual agreement between the LEC and the originating party or its agent, which when violated, would result in the termination of a transmission or billing arrangement;

(i) Obtains customer authorization, to provide and charge for Information Services, through the use of an independent third party verifier. The originating party must:

1. Utilize an independent third party verifier that is in a physically separate building from the originating party;

2. Not pay commissions, bonus incentives, or any compensation to the third party verifier for the number of sales made;

3. Require third party verifiers to state at the beginning of a call to a prospective customer that they are the third-party verifier, state the name of the originating party and Information Service for which the verification is being conducted, and state that the purpose of the call is to verify the authorization of services and charges;

4. Require third party verifiers to record the conversation between the verifier and the customer and retain the recording for a minimum of one year from the date the recording was made; and

5. Require the third party verifier to identify that the person they are speaking with is authorized to make decisions on behalf of the account and to obtain identification information such as the last four digits of the social security number, date of birth, or mother's maiden name.

(j) Maintain or use an agent that maintains a toll-free customer service number for accepting complaints regarding unauthorized Information Services charges. The toll-free number may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. The originating party or its agent must notify new customers of the toll-free customer service number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the originating party or its agent shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the originating party or its agent shall send a letter to the customer's billing address informing the customer as to the best time the customer should call or provide an address to which correspondence should be sent. A minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized charges complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer time shall be measured from the point at which the customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that

the customer is waiting on the line. It shall mean the originating party or its agent is ready to render assistance or accept the information necessary to process the call.

(3) Customers shall not be liable for any charges for Information Services that the customer did not order or that were not provided to the customer. Each subscriber shall have the option to be billed only for regulated telecommunications products and services. Each LEC shall provide blocking of Information Services at the request of the customer at no charge. The telephone numbers of subscribers electing this option shall be made available by the LEC to the LEC's billing and collection contract customers. Each LEC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Information Services charges.

(4) The LEC shall automatically adjust charges for Information Services upon complaint that:

(a) The customer claims no knowledge of the charges or what the charges were for;

(b) The customer did not receive a price advertisement, the price of the Information Service was misrepresented to the customer, or the price advertisement received by the customer was false, misleading, or deceptive;

(c) The customer was misled, deceived, or confused by the Information Services advertisement;

(d) The customer claims the Information Service was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the customer was disconnected or cut off from the Information Service;

(e) The Information Service provided out-of-date information; or

(f) The customer terminated the Information Service during the preamble described in 25-4.119(2)(b), but was charged for the Information Service.

(5) If the customer refuses to pay a disputed Information Service charge which is subsequently verified by the LEC to be valid, the LEC may implement Information Services blocking for that line.

(6) LECs and originating parties or its agents billing Information Service charges to a customer in Florida shall not:

(a) Collect or attempt to collect Information Service charges which are being disputed or which have been removed from a customer's bill; or

(b) Report the customer to a credit bureau or collection agency solely for non-payment of Information Service charges.

(7) LECs billing Information Services charges to customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Information Service charges.

(8) The originating party is responsible for resolving the customer's complaint by determining the validity of the charges. The originating party must notify the customer and the LEC with its findings within 45 days from the date the customer originally filed the complaint. The LEC can not

require payment from the customer if the originating party is not able to produce evidence that an Information Service charge is valid. Acceptable evidence is a taped recording of an independent third party verification of the customer, or other authorized person representing the customer's account, authorizing the Information Service. For the purposes of this section, the term "other authorized person" shall mean a person 18 years of age or older within the same household as the account holder.

(9) The LEC shall ensure that originating parties' Information Service that results in charges based on the duration of a call, shall be billed in units of time or if not time, units that can be easily understood by the customer for the purpose of validating the charges billed for the service.

Specific Authority 350.127, 364.604 FS. Law Implemented 364.604 FS. History—New

PUBLIC SERVICE COMMISSION

DOCKET NO: 990994-TP – Proposed Amendments to Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunication Companies

RULE TITLES:

Customer Relations; Rules Incorporated	25-24.490
Customer Relations; Rules Incorporated	25-24.845

RULE NOS.:

PURPOSE AND EFFECT: The purpose of the proposed rule is to require billing companies to follow prescribed procedures when providing information services. The proposed amendments prescribe billing information to be included on a customer's bill to inform the customer of the services received and the charges associated with the services. The proposed amendments provide for refund procedures when a company overcharges a customer and guidelines for Lifeline service disconnection. The purpose of these changes is to give the customer control over what may be charged on the customer's bill. The effect of the propose amendments is to generate clear bills that customers understand, provide the customer with control over the charges on the customer's bill, and to provide the customer with adequate information to make informed choices about the services he chooses.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address information contained in customer bills, options to block certain billing, and sales disclosure requirements.

SPECIFIC AUTHORITY: 350.127(2), 364.604(5), 427.708(8) FS.

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.055, 364.07, 364.08, 364.113, 364.14, 364.15, 364.17, 364.19, 364.337, 364.602, 364.603, 364.604, 427.704 FS.

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

TIME AND DATE: 10:00 a.m., September 28, 1999

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL

Comments to the proposed amendments are requested and should be submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 by September 13, 1999.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.490 Customer Relations; Rules Incorporated.

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

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections (2), (14), (15), and (16) (10), (11), (12), and (13)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All
<u>25-4.119</u>	<u>Customer Billing for Information Services</u>	<u>All</u>

(2) through (3) No change.

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

25-24.845 Customer Relations; Rules Incorporated.

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

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections (2), (14), (15), and (16) (10), (11), (12), and (13)
24-4.118	Local, Local Toll, or Toll Provider Selection	All
<u>25-4.119</u>	<u>Information Services</u>	<u>All</u>

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Flows and Levels
 RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish minimum water levels or minimum flows for the following: the St. Johns River at Lake Washington, Brevard County; Taylor Creek, Orange/Osceola Counties; Blue Springs, DeLeon Springs, Big Lake, Coon Pond, Gertie, Hires, Hokey, McGarity, North Talmadge, Scoggins, Trout, Winona, Volusia County; Apshawa North, Flat, Hokey, Louisa, Lake County; Lowery, Polk County; Star, Putnam County; and Lake Weir, Marion County.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment would establish minimum water levels for the above listed waterways lakes and springs pursuant to the mandate of section 373.042, Florida Statutes. Each lake would have a minimum frequent high level, a minimum average level, and a minimum frequent low level. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in chapter 40C-8, F.A.C. As with all minimum flows and levels established by the District, if adopted, this rule amendment would require an application for a permit pursuant to chapters 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide reasonable assurance that the activity for which the permit is sought would not violate these minimum levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042 FS.

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

TIME AND DATE: 9:00 a.m. until 11:00 a.m., September 10, 1999

PLACE: Volusia County Water Alliance, 1190 Pelican Bay Drive, Daytona Beach, Fla., to discuss minimum flows and levels for lakes and springs in Volusia County.

TIME AND DATE: 2:00 p.m. until 4:00 p.m., September 10, 1999

PLACE: Brevard County Government, Building C – 2nd Floor, Space Coast Room, Viera, Fla, to discuss minimum flows and levels for Lake Washing ton and Taylor Creek.

TIME AND DATE: 9:00 a.m. until 11:00 a.m., September 17, 1999

PLACE: Community Center of Leesburg, East Room, 109 East Dixie Avenue, Leesburg, Fla., to discuss minimum flows and levels for Apshawa North, Flat Lake, and Lake Louisa.

TIME AND DATE: 2:00 p.m. until 4:00 p.m., September 17, 1999

PLACE: Belleview City Hall, City Commission Chambers, 5343 S. E. Abshier Blvd, Belleview, Fla., to discuss minimum flows and levels for Lake Lowery, Star and Lake Weir.

at least fourteen (14) days prior to the hearing date. (2) The candidate will be required to pay the examination review fee, unless the candidate has previously paid the post examination review fee. (3) Any comments made during the pre-hearing review will not be responded to by the department. All pre-hearing reviews shall be conducted at the department's headquarters in Tallahassee. All security procedures outlined in Rule 64B-1.004 and 64B-1.013, Florida Administrative Code, shall apply to the candidate or the candidate's attorney for the pre-hearing review.

Specific Authority 455.521(5), 455.574 FS. Law Implemented 455.574 FS. History--New 9-7-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Manner of Application
RULE NO.: 64B3-6.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address frequency of administration of examinations.

SUBJECT AREA TO BE ADDRESSED: Frequency of administration of examinations.

SPECIFIC AUTHORITY: 455.564, 483.805(4) FS.

LAW IMPLEMENTED: 455.564, 483.815, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.001 Manner of Application.

(1) through (2) No change.

(3) ~~Examinations are given twice a year (spring and fall). Prospective applicants can contact the Board office for the exam dates and application cut-off dates. Applications for licensure for the fall examination, shall be filed no later than July 25th and completed no later than August 15th.~~

~~(4) For the spring examination, applications for licensure shall be filed no later than:~~

~~(a) January 25th and completed no later than February 15th in odd numbered years.~~

~~(b) January 5th and completed no later than February 1st in even numbered years.~~

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

~~(5)(6) No change.~~

~~(6)(7) No change.~~

Specific Authority 455.564, 483.805(4) FS. Law Implemented 455.564, 483.815, 483.823 FS. History--New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Competency Areas and Weighting
RULE NO.: 64B3-7.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the weighting of the examination.

SUBJECT AREA TO BE ADDRESSED: Examination weights.

SPECIFIC AUTHORITY: 455.574, 483.809 FS.

LAW IMPLEMENTED: 455.574, 483.811 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-7.007 Competency Areas and Weighting.

The general areas of competency to be covered by the examinations for licensure and the approximate relative weight to be assigned in grading each content area tested, expressed as a percentage are as follows:

(1) No change.

(2) For the Specialty subjects for licensure as a Technologist:

(a) through (c) No change.

(d) Hematology:

1. Hematopoiesis	4
2. Hematological procedures	40 44
3. Hematologic disorders	12 14
4. Hemostasis	16
5. Quality control/quality assurance	8 10
6. Therapy and monitoring therapy	2
7. Microscopy/body fluids	6
8. Specimen collection/handling/safety	4
9. Urinalysis	8

(e) through (g) No change.

(3) No change.

Specific Authority 455.574, 483.809 FS. Law Implemented 455.574, 483.811 FS. History—New 12-5-95, Formerly 59O-7.007, Amended 7-5-98, 6-22-99.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:

Scope of Practice Relative to 64B3-10.005
 Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes the development of amendments to address scope of practice with regard to specialty licensure.

SUBJECT AREA TO BE ADDRESSED: Scope of practice for specialty licensees.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. For the purpose of defining the specialties, Health Care Financing Administration's Common Procedure Coding System (HCFACPCS) shall be used as a supplemental guide for assigning tests to specific specialties. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (4) No change.

(5) The purpose of the specialty of hematology is to quantitatively and qualitatively evaluate cells in peripheral blood and bone marrow, their production, maturation and release; their morphology, chemistry and function; and diagnostic testing for optimum management of primary and secondary hematological disorders. Testing in this specialty also encompasses all the routine and special procedures, except those specific to cytology, performed to evaluate the numbers, morphology and function of cells in body fluids including urine and the evaluation of hemostasis and thrombosis and the

management of anticoagulant therapy. Testing in this specialty may also encompass urine chemistries specific to routine urinalysis.

(6) through (17) No change.

(18) Individuals using flow cytometry in specialties other than histocompatibility must be able to demonstrate training or experience in this procedure, and must hold licensure in the specific discipline they are using flow cytometry for.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-10.005, Amended 3-19-98, 1-28-99.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:

Responsibilities of Technicians 64B3-13.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify responsibilities of technicians.

SUBJECT AREA TO BE ADDRESSED: Clarification of responsibilities of technicians.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.004 Responsibilities of Technicians.

(1) The technician shall:

(a) through (k) No change.

(l) Shall not ~~perform release results of~~ clinical laboratory testing classified as highly complex pursuant to 42 CFR 493.10 and 42 CFR 493.17, incorporated by reference unless the technician meets the minimum qualifications contained in 42 CFR 493.1489, incorporated by reference for use in the diagnosis, management or treatment of patients until such time as these results have been verified in writing or by electronic means by a licensed technologist, supervisor or director. A technician may release results of testing classified as moderately complex pursuant to 42 CFR 493.10 and 42 CFR 493.17, incorporated by reference provided such results are

~~performed under direct supervision and verified in writing or by electronic means by a licensed technologist, supervisor or director within 24 hours of release.~~

(m) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, 7-12-95, Formerly 59O-13.004, Amended.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLES:	RULE NOS.:
Educational Requirements	64B20-2.002
Professional Employment Experience	64B20-2.004
Examination	64B20-2.005
Licensure by Endorsement	64B20-2.006

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the requirements for licensure.

SUBJECT AREA TO BE ADDRESSED: Requirements for licensure.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155, 468.1165, 468.1175, 468.1185, 455.574(1)(c) FS.

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

TIME AND DATE: 9:00 a.m., September 30, 1999

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE:	RULE NO.:
Duplicate License Fee	64B20-3.011

PURPOSE AND EFFECT: The Board proposes the development of an amendment to increase the duplicate license fee.

SUBJECT AREA TO BE ADDRESSED: Duplicate license fee.

SPECIFIC AUTHORITY: 455.587(6), 468.1145(1) FS.

LAW IMPLEMENTED: 455.587(6) FS.

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

TIME AND DATE: 9:00 a.m., September 30, 1999

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLES:	RULE NOS.:
Continuing Education as a Condition for Renewal or Reactivation	64B20-6.001
Standards for Approval of Continuing Education Activities and Providers	64B20-6.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address continuing education courses and provider requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education courses and providers.

SPECIFIC AUTHORITY: 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS.

LAW IMPLEMENTED: 468.1195(1),(3), 468.1205(1) FS.

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

TIME AND DATE: 9:00 a.m., September 30, 1999

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Citations
RULE NO.: 64B20-7.004
PURPOSE AND EFFECT: The Board proposes an amendment to the rule to address bad checks.
SUBJECT AREA TO BE ADDRESSED: Citations violations.
SPECIFIC AUTHORITY: 455.617, 455.621 FS.
LAW IMPLEMENTED: 455.617 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m., September 30, 1999
PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Behavioral Health Services	65E-11
RULE TITLES:	RULE NOS.:
Purpose; Construction	65E-11.001
Definitions	65E-11.002
Scope of Behavioral Health Services	65E-11.003
Clinical Guidelines for Referral	65E-11.004
Behavioral Health Services Standards	65E-11.005
Performance-based Measures and Outcomes	65E-11.006
Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and to Prevent Unnecessary Cost	65E-11.007

PURPOSE AND EFFECT: The purpose of this chapter is to implement the provisions of Section 409.8135, F.S., by setting forth uniform procedures and standards for providing behavioral health services.
SUBJECT AREA TO BE ADDRESSED: The scope of behavioral health services including duration and frequency, clinical guidelines for referral to behavioral health services, behavioral health services standards, performance-based measures and outcomes for behavioral health services, and practice guidelines for behavioral health services to ensure cost-effective treatment and to prevent unnecessary expenditures.

SPECIFIC AUTHORITY: 409.8135(6) FS.
LAW IMPLEMENTED: 409.8135 FS.
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m. – 12:00 p.m., September 15, 1999
PLACE: 1317 Winewood Blvd., Building 5, Room 124, Tallahassee, Florida 32399-0700
THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULE DEVELOPMENT IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bldg. 3, Room 103, Tallahassee, Florida 32399-0700
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting	68A-12.007

PURPOSE AND EFFECT: The purpose of the proposed rule is to expand imposition of the Hunter Responsibility Rule from the present eight Northwest Florida counties to the entire state. This rule requires greater responsibility from hunters who use dogs for hunting to resolve conflicts between hunters and landowners by requiring hunters to tag or collar dogs and have written permission to be on lands hunted. The effect is to provide the Commission with an additional law enforcement tool to control illegal use of dogs for hunting.
SUBJECT AREA TO BE ADDRESSED: Additional requirements for those persons hunting game with dogs.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.
LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: To be announced at a later date.
PLACE: To be announced at a later date.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at

least 5 calendar days before the workshop by contacting Andrena Knicely, (850)487-1764. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Licensing

RULE TITLE: Proprietary Security Officers; Exemption
from Registration

RULE NO.: 1C-3.144

PURPOSE AND EFFECT: To repeal Rule 1C-3.144 relating to proprietary security officers, since ss. 5, 6, 7 and 8, ch. 96-407, Laws of Florida repealed statutory language authorizing the

implementation of the rule, effective July 1, 1997. The effect is that references to proprietary security officers are removed.

SUMMARY: The proposed action repeals 1C-3.144 detailing who was exempt from registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 493.6102(11), 493.6306 FS., ch. 91-248, Laws of Fla.

LAW IMPLEMENTED: 493.6102(11) FS., ch. 91-248, Laws of Fla.

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

TIME AND DATE: 10:00 a.m., September 22, 1999

PLACE: Library/Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing, The Capitol, MS #4, Tallahassee, FL 32310, Telephone: (850)488-3492; Fax: (850)488-2789

THE FULL TEXT OF THE PROPOSED RULE IS:

1C-3.144 Proprietary Security Officers; Exemption from Registration.

Specific Authority 493.6102(11), 493.6306 FS., ch. 91-248, Laws of Fla., Law Implemented 493.6102(11) FS., ch. 91-248, Laws of Fla. History—New 12-29-91, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John M. Russi, Director, Division of Licensing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 1999

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Definitions

RULE NO.: 4A-37.084

PURPOSE AND EFFECT: The rule is being amended to overcome long-existing ambiguities in the existing rule's definitions. These ambiguities in the existing rule have caused a great deal of unnecessary litigation.

SUMMARY: The reference to Council on Post Secondary Accreditation is deleted because that council no longer exists. The change in the definition of "applicable to fire department duties" is being changed to one which is more workable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.382(2) FS.

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

TIME AND DATE: 9:30 a. m., September 21, 1999

PLACE: Atrium Building, 3rd Floor Conference Room, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486; phone (352)732-1330

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-37.084 Definitions.

For purposes of this part, terms used in rules 4A-37.082 – 4A-37.089 are as defined in section 633.382(1), Florida Statutes, and terms which are not otherwise defined in said statutes are defined as follows: