

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE TITLE: RULE NO.:

Licensed Firearms Instructors; Schools or Training Facilities; License Application 5N-1.134

PURPOSE AND EFFECT: The purpose is to amend rules relating to schools or training facilities that offer classes required for security and recovery agents (repossessors) to be licensed. The effect is that schools operating programs for tuition or a fee will no longer have to submit Department of Education approval to the Division of Licensing.

SUBJECT AREA TO BE ADDRESSED: Department of Education approval of security and recovery school training programs.

SPECIFIC AUTHORITY: Laws of Florida, s. 249, ch. 2002-387, codified at s. 1005.06(1)(g) FS.

LAW IMPLEMENTED: 493.6304(3), 493.6406(3) 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., March 22, 2004

PLACE: 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: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: RULE NO.:

Standards and Procedures for Licensure 6E-2.004

PURPOSE AND EFFECT: The Commission proposes development to the rules to address deleting of unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures of Licensure.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

- (1) through (10) No change.
- (11) Standard 11: Publications and Advertising.
  - (a) No change.
  - (b) Catalog.
    - 1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

- a. through r. No change.
- s. A complete explanation of the standards of satisfactory academic ~~progress~~ ~~process~~. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. through y. No change.

~~z. A description of the institution's policy regarding satisfying academic progress;~~

aa. through ee. renumbered z. through dd. No change.

3. No change.

(c) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03,\_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Forms and Instructions

RULE NO.: 40E-1.659

PURPOSE AND EFFECT: To update, revise and correct forms incorporated by reference, to delete unnecessary information, to adopt mitigation bank financial assurance forms, and to delete a form that is obsolete.

SUBJECT AREA TO BE ADDRESSED: The forms which the South Florida Water Management District (SFWMD) uses in dealing with the public concerning environmental resource, water use, and well construction permitting are incorporated by reference in subsection 40E-1.659(1), F.A.C., as required by Section 120.55(1)(a)4., F.S. The South Florida Water Management District proposes to adopt Mitigation Bank Financial Assurance forms; to delete Form 0938 (Mitigation Construction Commencement Notice); and to amend Form Numbers: 0123 (Well Construction Permit Application), 0483 (Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer), 0889 (Certification of Waiver of Permit Application Processing Fee), 0920 (Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity), 0960 (Environmental Resource/Surface Water Management Permit Construction Commencement Notice), and 0961 (Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction).

SPECIFIC AUTHORITY: 120.53, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.53, 373.113 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PROPOSED FORMS ARE AVAILABLE ON THE DISTRICT'S WEBSITE AT: [http://www.sfwmd.gov/org/reg/news/erp\\_rulemaking/erp\\_rulemaking.htm](http://www.sfwmd.gov/org/reg/news/erp_rulemaking/erp_rulemaking.htm)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues – Ralph Fanson, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6921 or (561)682-6921 (internet: [rfanson@sfwmd.gov](mailto:rfanson@sfwmd.gov)); For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299 (internet: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov))

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works <del>or</del> and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.

0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District	0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
			0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0123	<del>4-95</del> <del>12-01</del>	Well Construction Permit Application	0645-G71	8-03	Table I Water Treatment Method and Losses
0124	11-90	Well Completion Report			
0145	8-95	Environmental Resource Permit No.	0645-G72	8-03	Table J Aquifer Storage and Recovery
0157	8-95	Environmental Resource Permit Modification No.	0645-G73	8-03	Table K Water Supply System Interconnections
0188-QMQ	8-03	Quarterly Report of Withdrawals	0779	5-92	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit
0188-MDQ	8-03	Monthly Report of Daily Withdrawals			
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells	0830	4-94	Special Use Application and License
0188-QMON	8-03	Quarterly Report of Monitoring Requirements	0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps	0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops			
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received			
0195	6-91	Public Water Supply Well Information and Classification	0889	<del>8-95</del>	Certification of Waiver of Permit Application Processing Fee
0196	10-89	Water Well Inspection Scheduling Card	0920	<del>8-95</del>	Request for Conversion of <del>District</del> Environmental Resource Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0299	1-90	Water Use Permit No.			
0444	8-95	Application for a Standard General Permit for Incidental Site Activities			
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)	<del>0938</del>	<del>8-95</del>	<del>Mitigation Construction Commencement Notice</del>
0483	<del>8-95</del>	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer	0941	8-95	Environmental Resource Standard/Noticed General Permit No.
			0942	8-95	Surface Water Management General Permit No.
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)	0960	<del>8-95</del>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0645-G60	8-03	Table A Descriptions of Wells			
0645-G61-1	8-03	Table B Description of Surface Water Pumps	0961	<del>8-95</del>	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0645-G61-2	8-03	Table C Description of Culverts			
0645-G65	8-03	Table D Crop Information			
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities			

0970	8-95	Applicant Transmittal Form for Requested Additional Information
0971	8-95	Joint Application for Environmental Resource Permit Authorization to Use State Owned Submerged Lands /Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
<u>1019</u>	_____	<u>Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1020</u>	_____	<u>Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1021</u>	_____	<u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance</u>
<u>1022</u>	_____	<u>Mitigation Bank Trust Fund Agreement To Demonstrate Construction/Implementation Financial Assurance</u>
<u>1023</u>	_____	<u>Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u>
<u>1024</u>	_____	<u>Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance</u>
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit

- (b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901;
- (c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033;
- (d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809;
- (e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130;
- (f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109; and
- (g) West Palm Beach Service Center, 3301 Gun Club Road, West Palm Beach, FL 33406.

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.113 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency Agreements Incorporated

RULE NO.:

by Reference 40E-4.091

PURPOSE AND EFFECT: To amend the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District” incorporated by reference in Rule 40E-4.091, F.A.C., to include references to forms that are proposed to be adopted and incorporated by reference in Rule 40E-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District” incorporated by reference in Rule 40E-4.091, F.A.C., will include references to Mitigation Bank Financial Assurance forms that are proposed to be adopted and incorporated by reference in Rule 40E-1.659, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:

- (a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036;



(2) through (6) No change.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS Law Implemented 120.57(3), 287.042, 287.017, 287.057, 287.133 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-1-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03, \_\_\_\_\_.

60A-1.030 My FloridaMarketPlace Vendor Registration.

(1) Each vendor desiring to sell doing business with the State for the sale of commodities or contractual services as defined in Section 287.012, F.S., to the State through the on-line procurement system is prequalified to do so and shall register in the MyFloridaMarketPlace system, unless exempted under subsection 60A-1.030(3), F.A.C. Information about the registration process is available, and registration may be completed, at the MyFloridaMarketPlace website (link under Business on the State portal at www.myflorida.com). Interested persons lacking Internet access may request assistance from the MyFloridaMarketPlace Customer Service at (866)FLA-EPRO (866)352-3776 or from State Purchasing 4050 Esplanade Drive, Suite 300, Tallahassee, Florida 32399.

(2) No change.

(3) Notwithstanding subsections (1) and (2), an agency may enter into an agreement for the sale of commodities or contractual services as defined in Section 287.012, F.S., with an unregistered vendor when if, and only if, one or more of the following conditions is satisfied:

(4) through (5) No change.

Specific Authority 287.042(12), 287.057(23) FS. Law Implemented 287.032, 287.042, 287.057 FS. History—New 7-1-03, Amended \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:  
 Conduct of Employees                      60L-36

RULE TITLE:                                      RULE NO.:  
 Political Activities                              60L-36.002

PURPOSE AND EFFECT: The purpose of the rule development is to amend paragraph (3)(c) of Rule 60L-36.002, F.A.C., implementing the statute that relates to political activities by career service employees.

SUBJECT MATTER TO BE DISCUSSED: Political activities presumed to interfere with an employee’s state employment.

SPECIFIC AUTHORITY: 110.1055, 110.201(1), 110.233(4) FS.

LAW IMPLEMENTED: 110.233(4)(a) 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., Monday, March 15, 2004

PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least two calendar days before the hearing, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lois Tepper, Office of the General Counsel, Department of Management Services, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-36.002 Political Activities.

(1) through (2) No change.

(3) Candidacy for or holding local public office shall be presumed to involve activities that interfere with an employee’s state employment in the following instances:

(a) Campaign or, if elected, office activities are performed during the employee’s assigned working hours with the state.

(b) Campaign or, if elected, office activities will involve the use of state space, personnel, time, equipment, or supplies.

(c) The employee solicits or accepts campaign contributions from ~~for~~ persons or entities that are regulated by, or otherwise do business with, the employee’s department or agency.

Specific Authority 110.1055, 110.20(1), 110.233(4)(a) FS. Law Implemented 110.233(4)(a) FS. History—New 1-22-02, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE:                                      RULE NO.:

Exemption from Licensure                      61G1-17.004  
 Renewal Provisions

PURPOSE AND EFFECT: The Board proposes to add a rule to address exemption from licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Exemption from Licensure Renewal Provisions.

SPECIFIC AUTHORITY: 455.02, 481.2055 FS.

LAW IMPLEMENTED: 455.02, 481.207, 481.215 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Acupuncture Program Requirements  
 RULE NO.: 64B1-4.001  
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments or new language is necessary.  
 SUBJECT AREA TO BE ADDRESSED: Acupuncture program requirements.  
 SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Applications  
 RULE NO.: 64B8-4.009  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing medical education for the purpose of initial licensure relating to the five most misdiagnosed conditions.  
 SUBJECT AREA TO BE ADDRESSED: Continuing medical education for the purpose of initial licensure relating to the five most misdiagnosed conditions.  
 SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.  
 LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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 IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-4.009 Applications.
- (1) through (7) No change.
- (8) The applicant must submit statements attesting to the following:
  - (a) through (b) No change.
  - (c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.
- (9) through (10) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
 RULE NO.: 64B8-13.005  
 PURPOSE AND EFFECT: The Board proposed a rule amendment to address continuing education regarding the five most misdiagnosed conditions.  
 SUBJECT AREA TO BE ADDRESSED: Continuing education regarding the five most misdiagnosed conditions.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) 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 IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (d) No change.

(e) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(2) through (11) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Licensure by Examination  
RULE NO.: 64B8-51.002

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether the proposed amendment is necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would add a requirement that high school diplomas be from accredited institutions.

SPECIFIC AUTHORITY: 478.43(1),(4) FS.

LAW IMPLEMENTED: 456.017, 478.45 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-51.002 Licensure by Examination.

(1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant:

(a) through (b) No change.

(c) Possesses a high school diploma from a high school accredited by the Florida Department of Education, Southern Association of Colleges and School, or Association of Colleges and Schools, a graduate equivalency diploma, college diploma, university diploma, or technical school diploma if such college, university, or technical school required high school or graduate equivalency diploma for admission.

(d) through (g) No change.

(2) through (3) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 456.017, 478.45 FS. History—New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-28-00, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: Administrative Definitions  
RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment will revise forms incorporated by reference in the rule and incorporate another form by reference for the first time. Additionally, it provides clarification on the eligibility determination process.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment revises the Common Application Form and Request for Assistance (RFA) forms referenced in rule and

incorporates by reference, a simplified Common Application Form and Eligibility Questionnaire that can be combined with the RFA to apply for public assistance. Additionally, it clarifies definitions related to the eligibility process.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 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., March 16, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Angela Wiggins, Welfare Reform Program Administrator, 1317 Winewood Boulevard, Building 3, Room 105, Tallahassee, Florida 32399-0700, (850)414-5643

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Eligibility Determination Process RULE NO.: 65A-1.205

PURPOSE AND EFFECT: The proposed rule amendment clarifies the department’s eligibility processing procedures applicable to all programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a simplified Common Application Form and Eligibility Questionnaire form that can be combined with the Request for Assistance form to apply for public assistance; a waiver of the face-to-face interview due to hardship at application and eligibility redetermination; and, clarify that the periodic interval and process for eligibility redetermination will be in accordance with federal regulations for the applicable program.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 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., March 15, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Angela

Wiggins, Welfare Reform Program Administrator, 1317 Winewood Boulevard, Building 3, Room 105, Tallahassee, Florida 32399-0700, (850)414-5643

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers RULE NO.: 690-125.005

PURPOSE AND EFFECT: The proposed rule implements the provisions of Section 626.9741, F.S. created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores to determine that they are not unfairly discriminatory. The rule establishes standards and requirements for the use of credit reports or scores by insurers. SUBJECT AREA TO BE ADDRESSED: Standards and requirements for the use of credit reports or scores by insurers. SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(2), 626.9741 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., March 22, 2004

PLACE: Burns Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Milnes, Senior Management Analyst/Supervisor, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: milnesm@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) “Applicant”, for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes, and shall include individuals who have requested a quote.

(b) “Credit scoring methodology” means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) “Data cleansing” means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) “Personal lines motor vehicle” insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

a. Vehicles used as public livery or conveyance.

b. Vehicles rented to others.

c. Vehicles with more than four wheels.

d. Vehicles used primarily for commercial purposes, and

e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

a. Motorcycles.

b. Motor homes.

c. Antique or classic automobiles, and

d. Recreational vehicles.

(e) “Personal lines residential” insurance means homeowners, mobile homeowners, dwelling, tenants, condominium unit owners, cooperative unit owners and all property insurance covering real or personal property used for residential purposes and having one or more natural persons as named insureds. Apartment building owners and similar policies are not included in this definition.

(f) “Unfairly discriminatory” means adverse decisions resulting from the use of a credit scoring methodology that have a disparate impact on persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S. A credit scoring methodology that disproportionately affects any such class of persons has a disparate impact and is unfairly discriminatory.

(2) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(3) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and these rules.

(4) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in filings submitted pursuant to Section 627.062 or 627.0651, F.S.:

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application.

2. Named insured or spouse

3. All listed operators; and

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used

2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;

2. Version, subtype, or intended segment of business the system was designed for; and

3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following:

1. Rate or premium charged for a policy of insurance

2. Placement of an insured or applicant in a rating tier.

3. Placement of an applicant or insured in a company within an affiliated group of insurance companies, or

4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code on a consumer’s credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and

extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;

2. Requests by the consumer for the consumer's own credit information;

3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another.

4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries.

5. Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision.

(k) A certification that the insurer will correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report, provided that the insured first notifies the insurer that the item has been removed.

1. The correction shall be applied retroactively for any policy term commencing on or after one year prior to the date the insured notifies the insurer that the item has been removed and for which the insurer used the erroneous information. The corrected information shall be used in premium computation or underwriting for the current and future policy terms.

2. A declination of an application for an insurance policy that was properly accompanied by specific reasons as required by Section 627.4091, F.S., is not required to be reversed retroactively, but the insurer shall extend an offer of insurance to that applicant as soon as practical after the error is known to the insurer, if the applicant is eligible under the applicable underwriting guidelines filed pursuant to Section 627.0651, F.S.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(5) Insurers desiring to make adverse decisions based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer and does not result in a disparate impact on persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S. The information shall include:

1. Data comparing experience for those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A valid method of analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A valid method of analysis that concludes that absence or insufficiency of credit history does not disparately impact persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.;

4. A valid method of analysis that confirms that the treatment proposed by the insurer is quantitatively appropriate; and

5. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history.

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(6) Insurers desiring to make adverse decisions based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured.

(7)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(8)(a)1. Insurers using credit reports or credit scoring in rating shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured.

b. The insurer shall notify the named insureds at each renewal of the policy of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (8)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be thoroughgoing enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information).

(9) No credit scoring methodology shall be used unless that method has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;

2. Any biases the technique might introduce; and

3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multiple regression testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used.

(f) An assessment by a qualified actuary, economist, or statistician other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the examination and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs approximately as well on a sufficiently credible validation data set as it does on the data set from which it was developed.

(g) Documentation consisting of statistical and scientific testing of the application of the credit scoring model to determine whether it results in a disparate impact on persons belonging to the classes set forth in Section 626.9741(8)(c), F.S. A model that disproportionately affects any such class of persons has a disparate impact and is unfairly discriminatory.

1. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring model, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S.

