

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLES: RULE NOS.:

Receipt of Taxpayer’s Petition to Be Acknowledged 12D-10.004

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent With Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to Be Available to Petitioners 12D-10.0044

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-10.004 and 12D-10.0044, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which provides: increased time frames for the clerk of court to notify a petitioner of the date of a scheduled hearing before the value adjustment board; increased time frames for the exchange of evidence between the property appraiser and the petitioner; a requirement to reschedule a hearing where the property appraiser does not timely provide evidence to the petitioner.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed amendments is the procedures used by local value adjustment boards.

SPECIFIC AUTHORITY: 194.011(5), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-10.004 Receipt of Taxpayer’s Petition to Be Acknowledged.

(1) No change.

(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of appearance. The notice shall be in writing, and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than twenty-five (25) ~~(20)~~ calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail thirty (30) ~~twenty five (25)~~ days prior to the day of such scheduled appearance.

(3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 195.022, 200.069, 213.05 FS. History—New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95, 12-31-98, 1-20-03,

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

(1) No change.

(2) Subsequent to the mailing or sending of the hearing notice, and at least 15 ~~ten (10)~~ days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 7 ~~five (5)~~ days before the hearing, if after the property appraiser receives the petitioner’s documentation and if requested in writing by the petitioner, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk. ~~In computing the five (5) day period prescribed in this subsection, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1090(a), Florida Rules of Civil Procedure, entitled Time.~~

(4)(a) If the taxpayer does not provide the information to the property appraiser at least 15 ~~ten (10)~~ days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3), the hearing shall be rescheduled and at least five (5) calendar days

~~before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five (5) calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.~~

(5) through (9) No change.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with Section 194.032, F.S., subject to the provisions of Section 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than fifteen (15) ten (10) days prior to a scheduled hearing pursuant to subsections (2) and (5).

(11) through (12) No change.

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History—New 4-4-04, Amended.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLES:	RULE NOS.:
Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees	12D-13.060
Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees	12D-13.061
Lands Available for Taxes	12D-13.064

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-13.060, 12D-13.061, and 12D-13.064, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which provides a definition of contiguous property for property owner identification purposes in the tax deed application process; provides that a tax collector may contract for higher liability limits than statutorily allowed for title searches or abstracts in the tax deed application process; and provides that land on the list of lands available for taxes escheats to the county free and clear of all taxes and liens and that an escheatment tax deed be issued.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed amendments is the procedures used in the tax deed application and issuance process.

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS. LAW IMPLEMENTED: 125.411, 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.060 Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees.

(1) through (3) No change.

(4) PROCEDURE AFTER APPLICATION IS MADE – ALL CERTIFICATES.

(a) through (b) No change.

(c) The tax collector shall also attach to the certification Form DR-513 a statement certifying the names and addresses of all persons the clerk is required by law to notify prior to the tax deed sale. (See Section 197.522, F.S.) The statement shall contain at a minimum the following names and addresses:

1. through 9. No change.

10. Any legal titleholder of record of property that is contiguous to the property described in the tax certificate, when the property described is either submerged land or common elements of a subdivision, if the address of the titleholder of contiguous property appears on the record of conveyance of the land to that legal titleholder. However, if the legal titleholder of property contiguous to the property described in the tax certificate is the same as the person to whom the property described in the tax certificate was assessed on the tax roll for the year in which the property was last assessed, the notice may be mailed only to the address of the legal titleholder as it appears on the latest assessment roll. The term "contiguous" means touching, meeting, or joining at the surface or border, other than at a corner or a single point, and not separated by submerged lands. Submerged lands lying below the ordinary high-water mark which are sovereignty lands are not part of the upland contiguous property for purposes of notification to the owner of contiguous property and for certification purposes as provided in this rule subsection.

(d) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS. History—New 6-18-85, Formerly 12D-13.60, Amended 5-23-91, 12-13-92, 1-11-94, 12-25-96, 12-31-98, 1-26-04,_____.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.

(1) through (5) No change.

(6) The tax collector shall not accept or pay for any title search or abstract that includes a phrase such as “no financial responsibility is assumed for this search.”. However, reasonable restrictions as to the liability or responsibility of the abstract or title company are acceptable. The tax collector is authorized to contract for higher maximum liability limits than provided under Section 627.7843(3), F.S.

(7) through (8) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 213.05 FS. History—New 6-18-85, Formerly 12D-13.61, Amended 12-3-01,_____.

12D-13.064 Lands Available for Taxes.

(1) through (2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county, free and clear, seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county, free and clear, three years after the date on which the property was offered for tax deed sale. The clerk shall execute an escheatment tax deed vesting title in the board of county commissioners of the county.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History—New 6-18-85, Formerly 12D-13.64, Amended 12-30-99, 1-26-04,_____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLES: Administration of Forms
Index to Forms

RULE NOS.: 12D-16.001
12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-16.001, F.A.C., is to implement the provisions of chapter 2004-22, Laws of Florida, which requires that the Department provide prescribed forms to counties with populations of 100,000 or less and that all other counties reproduce prescribed forms at the county’s expense. The purpose of the proposed amendments to Rule 12D-16.002, F.A.C., is to incorporate legislative changes under Chapter 2004-349, Laws of Florida, and other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed amendments is the forms used for ad valorem property tax purposes.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.001 Administration of Forms.

(1) The Department shall prescribe ~~and furnish~~ all forms and instructions relating to their use, which shall be uniform throughout the state, to be used by county property appraisers, county tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The Department shall furnish forms for counties with a population of 100,000 or less. Counties with a population of more than 100,000 shall reproduce forms for distribution at the county officer’s expense.

(2) No change.

(3) For counties with populations of 100,000 or less, requisitions ~~Requisitions~~ for forms shall be made to the Department not less than 90 days prior to desired date of delivery ~~so that each appraiser can and shall make them available in his office on the first working day of the next ensuing calendar year. Each appraiser shall, on or before August 1 of each year, submit his requisition to the Department for the following forms.~~ Requisitions for the following forms

shall be submitted to the Department on or before August 1 of each year so that the property appraiser can and shall make them available in his or her office on the first working day of the next ensuing calendar year:

- (a) Tangible Personal Property and Inventory Return;
- (b) Application for Agricultural Classification of Lands;
- (c) Applications for Assessment of Pollution Control Devices; ~~and~~
- (d) Applications for Exemptions (original and renewal);
- (e) Applications for classification as High-Water Recharge Lands or as Historic Properties Used for Commercial or Certain Nonprofit Purposes.

(4) through (6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.052, 195.002, 195.022 FS. History--New 10-12-76, Amended 4-11-80, Formerly 12D-16.01, Amended 1-11-94. 12-27-94. _____.

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/04 12/03)	____ 1/04
(3)(a)	No change.	
(b) DR-403	Tax Roll Certification (n. 1/04)	_____
(c) DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. 1/04 1/03)	____ 1/04
(4)(a) DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. 1/04 1/03)	____ 1/04
(b) through (5)(a)	No change.	
(b) DR-403EB	Assessment Roll Exemption Breakdown (r. 1/04 1/03)	____ 1/04
(6) through (27)	No change.	
(28)(a) DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. 1/04 1/03)	____ 1/04
(b) DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. 1/04 1/03)	____ 1/04

(c) DR-489EB	Assessment Roll Exemption Breakdown (r. 1/04 1/03)	____ 1/04
(d) through (38)(c)	No change.	
(d) DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. 12/04 12/03)	____ 1/04
(e) through (41)	No change	
(42)(a) DR-506	Tax Deed (r. 1/95)	12/95
(b) DR-506E	Escheatment Tax Deed (r. 12/04)	_____
(43) through (51)(a)	No change.	
(b) DR-534	Notice and Application for Alternative Payment of 2005 2004 Property Taxes (r. 12/04 12/03)	____ 1/04
(52) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, ~~197.502~~, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History--New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04. _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Trust Fund
 RULE NO.: 33-203.201
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: implement HB 1875, which amends Section 944.516, F.S., to allow the department to charge inmates an administrative processing fee for banking services; and to increase the deposit amount that requires a hold before funds are available.
 SUBJECT AREA TO BE ADDRESSED: Inmate trust fund.
 SPECIFIC AUTHORITY: 944.09, 944.516, 945.091 FS.
 LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.214 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of \$4.00 per month for banking services.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash or personal checks allowed) that are mailed to the Bureau of Finance and Accounting, Inmate Trust Fund Section, for an inmate shall be initially deposited in the Inmate Trust Fund. Funds must be mailed with the completed deposit form and made payable to the Inmate Trust Fund and include the inmate’s name and DC number. Once the deposit is posted to the inmate’s account, a receipt will be printed at the institution and provided to the inmate. Funds will become available for the inmate’s use within ten working days after receipt by the Bureau of Finance and Accounting, Inmate Trust Fund Section, in Tallahassee. Every effort shall be made to have funds available sooner. Any money order, cashiers check, or certified bank draft in the amount of \$400 ~~\$300~~ or higher posted to an inmate’s account will have a ten day hold placed on the funds. After ten days the funds will be available for the inmate’s use. Deposits mailed to institutional or other department addresses other than the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender. In order to deposit the funds the sender shall complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. This form may be obtained from any institution, facility, or by requesting in writing from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100, or the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 13, 2003. Other items found in the incoming mail will be returned to the sender and will not be forwarded to the inmate.

(b) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03,

DEPARTMENT OF CORRECTIONS

RULE TITLES: RULE NOS.:
 Food Services – Definitions 33-204.002
 Food Services – Standards of Operation 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language, correct staff titles, and update reference standards.

SUBJECT AREA TO BE ADDRESSED: Food services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee, ~~and~~ ~~It should be~~ certified nutritionally adequate as determined by a licensed registered dietitian employed by the department.

(2) through (3) No change.

(4) “Master Menu Committee” refers to the food services advisory group which consists of the Chief, Bureau of Institutional Support Services manager or his designee, the central office public health nutrition program manager, ~~the field public health nutrition consultants, the field operations management consultant managers and field government operations consultant II’s~~ and the central office food service ~~administrator senior management analyst supervisor~~. The Chief, Bureau of Institutional Support Services manager has the authority to invite other staff as necessary.

(5) “Facility” ~~refers to all Department of Corrections operated locations providing food services to offenders including references to institutions, work release centers, probation and restitution centers and drug treatment centers.~~

(6) “National Child Nutrition Program,” (NCNP), ~~refers to the National School Breakfast Program and School Lunch Program through which reimbursement is received by the department for eligible breakfast and lunch meals. Eligible meals contain specifically required components as defined by the program for the purpose of meeting federal program requirements. The Food and Nutrition Service, a subdivision of~~

the United States Department of Agriculture, administers the programs pursuant to the Child Nutrition Act of 1966, 42 USC § 1773, and the Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. The department utilizes the programs to provide enhanced nutrition for qualified inmates under the age of 21 at participating facilities. To qualify and participate, the inmate must be under the age of 21 and be housed in an NCNP designated dormitory.

(7) “Master Menu Manual” refers to that food service technical manual that provides procedural information, such as daily menus, production sheets, and recipes for the service of the regular menu, the alternate entrée and vegan meal pattern, religious and secular holiday menus, the special management meal, and sack lunches.

(8) “Contract Manager” refers to the Assistant Director of Field Support Services.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, _____.

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. Holiday substitutions that deviate from the master menu must be approved in advance by the institutional warden, work release center major, or drug treatment center chief correctional officer contract manager. Prescribed therapeutic diets shall be available to all inmates with a current diet prescription.

(2) No change.

(3) Menus. The ~~Recommended Dietary Allowances or the Dietary Reference Intakes of the Food and Nutrition Board – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances and the Dietary Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the Recommended Dietary Allowances or the Dietary Reference Intakes may be obtained from the Bureau of Institutional Field Support Services, Food Service Section, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the Revised Recommended Dietary Allowances is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2001.~~

(a) through (e) No change.

(4) Sanitation.

(a) All food service areas shall meet the standards of the Food Hygiene State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C. Food and beverages shall not be consumed in food preparation areas.

(b) Personnel assigned to food service shall meet the standards set by the Food Hygiene State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C.

(c) The individual responsible for food service at the institution or facility shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. Instructions shall be in compliance with the State Sanitary Code, Department of Health rule 64E-11.005, F.A.C.

2. Preparing a frequency chart for the regular periodic cleaning of the physical plant, equipment and utensils, and ensuring that cleaning is done according to the frequency chart; and

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water.

(d) Weekly sanitation inspections of food service areas shall be performed by a person or team assigned by and reporting to the warden.

(5) Maintenance of Equipment. The person in charge of the maintenance department shall prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer’s instructions. The person in charge of food service will ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

(6) Security. The chief of security shall write and post a plan and schedule for supervision of inmates during meals. The chief of security shall be responsible for enforcement of the written plan to ensure control of inmates.

(7) through (8) renumbered (5) through (6) No change.

(9) National Child Nutrition Program.

(a) It is the intent of the department that all institutions that qualify will participate in the National Child Nutrition Program. To qualify, an institution will have a sufficient number of offenders qualified to be NCNP participants so that adequate revenues will be generated to offset the costs associated with implementing program requirements.

(b) The National Child Nutrition Program master menu will be utilized to provide enhanced nutrition to program participants who are under the age of 21.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS.; Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Cash Meals and Special Group Meals
 RULE NO.: 33-204.005
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.
 SUBJECT AREA TO BE ADDRESSED: Food Services.
 SPECIFIC AUTHORITY: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.005 Cash Meals and Special Group Meals.

(1) The cost of meals for employees or volunteers shall be borne by the individual being provided with the meal, except as provided in subsection (2) of this section. Employees or volunteers served meals shall be charged the predetermined amount as designated in the current food services contract approved by the Department of Corrections for all meals. ~~Meals shall be purchased with cash and the employee or volunteer will sign a "Daily Meal Roster", DC2-406, to indicate a meal was purchased and consumed by them. Persons eligible for free meals will be identified on the Daily Meal Roster by noting the words "no charge" next to the individual's signature. Form DC2-406 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is May 21, 2000.~~

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-18-89, Formerly 33-30.005, Amended 5-21-00, 6-26-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Holding Cells
 RULE NO.: 33-602.224
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to conditions of holding cell use and maintenance of records and to delete unnecessary language.
 SUBJECT AREA TO BE ADDRESSED: Holding cells.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 944.09 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: Perry King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.224 Holding Cells.

(1) No change.

(2) ~~Holding cells may be constructed in medical areas, security buildings, confinement areas, dormitories and other areas that the warden determines will enhance the physical security of the institution.~~ All holding cells must be in compliance with the following ~~design~~ requirements:

(a) through (f) No change.

(3) No change.

(4) A holding cell log will be maintained at the holding cell location ~~initiated any time an inmate is placed in the holding cell for a period exceeding 30 minutes.~~ Each institution will be responsible for using the Holding Cell Log, Form DC6-208, to record the reasons for placement in the cell, the length of time held in cell, and the record of frequent checks. Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is February 3, 2000.

(5) through (8) No change.

(9) An inmate who is placed in a holding cell in response to a medical or mental health emergency or while awaiting admission to a medical or mental health unit shall not be left unattended at any time. Inmates declaring a medical or psychological emergency while in a holding cell shall not be left unattended at any time. Medical personnel shall be notified immediately. Medical personnel attending to an inmate in a holding cell will sign the holding cell log. If no log has been initiated, the information will be documented on the housing unit log. If the holding cell is in an area that does not have a housing unit log, a notation will be made on the control room log.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 2-3-00, Amended 8-7-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Provider Service Networks
 RULE NO.: 59G-8.700

PURPOSE AND EFFECT: The proposed rule will clarify: (a) the purpose of the provider service networks pursuant to Section 409.912(4)(d), Florida Statutes, (b) provider service network contract eligibility, and (c) the scope of contract for provider service networks.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Service Networks.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.912, 409.912(4)(d) 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: 1:00 p.m. – 3:00 p.m., August 30, 2004

PLACE: Agency for Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Medicaid Bureau of Health Systems Development, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 50, Tallahassee, Florida 32308, (850)922-7320

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.700 Medicaid Provider Service Networks.

(1) Purpose: Under authority of Title XIX of the Social Security Act, the state operates the Medicaid Program in conformance with federal Medicaid requirements to enable the provision of quality medical services to eligible Medicaid managed care recipients through provider service networks which utilize alternative service delivery and reimbursement methodologies pursuant to Section 409.912, F.S.

(2) Contractor Eligibility. The agency is authorized to enter into contracts with Provider Service Networks that is an organization operated by health care providers offering integrated systems of care to enrolled Medicaid managed care recipients on a fee-for-service or prepaid basis that meets the financial reserve, quality assurance, and patient rights requirements under the terms of the contract and in compliance 42 Code of Federal Regulation, Part 438 and Section 409.912, Florida Statutes. A Provider Service Network must be at least 51 percent owned by a Florida hospital and render inpatient services under the terms of the contract with the Agency for Health Care Administration.

(3) Scope of Contract. A Medicaid Provider Service Network contract shall include:

- (a) Covered services;
- (b) A payment methodology for covered services;
- (c) Quality assurance standards;
- (d) Individuals covered by the contract; and
- (e) Service area.

Specific Authority 409.919 FS. Law Implemented 409.912, 409.912(4)(d) FS. History–New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management and Building

Construction

RULE CHAPTER TITLE: Lease/Sublease of State-Owned

RULE CHAPTER NO.:

Property for E911 System

Wireless Communication Facility

60H-9

RULE TITLES:

RULE NOS.:

Definitions

60H-9.001

Intent

60H-9.002

Properties Acquired for Transportation

Purposes Excluded

60H-9.003

Managing Agency/Owner Agency Evaluation

of Space Availability

60H-9.004

Negotiation of DMS E911 Wireless

Communications Lease/Sublease

60H-9.005

Filing on Standard Lease/Sublease

60H-9.006

Information and Forms

60H-9.007

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to promulgate a set of rules defining a process for the use of State-owned Property to site Wireless Communication Facilities to support the Wireless E911 System.

SUBJECT AREA TO BE ADDRESSED: Definitions; Intent; Properties Acquired for Transportation Purposes Excluded; Managing Agency/Owner Agency Evaluation of Space Availability; Negotiation of DMS E911 Wireless Communications Lease/Sublease; Filing on Standard Lease/Sublease; Information and Forms.

SPECIFIC AUTHORITY: 365.172(11)(e) FS.

LAW IMPLEMENTED: 365.172(3) FS.

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

TIME AND DATE: 9:00 a.m., September 15, 2004

PLACE: Betty Easley Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department of Management Services at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Owen, Senior Management Analyst II, Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-0439, Suncom 278-3239, e-mail: owenj@dms.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Operation of the Association
 RULE NO.: 61B-23.002

PURPOSE AND EFFECT: To develop a procedure and form for condominium associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUBJECT AREA TO BE ADDRESSED: Fire sprinkler systems and handrail and guardrail retrofitting for condominium associations.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.112(2)(1) 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The rule text is also available on-line at <http://www.myflorida.com/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Association Fee; Mailing Address
 RULE NO.: 61B-78.001

PURPOSE AND EFFECT: To develop a procedure and form for cooperative associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUBJECT AREA TO BE ADDRESSED: Fire safety retrofitting for cooperative associations.

SPECIFIC AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5),(6) 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., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The rule text is also available on-line at <http://www.myflorida.com/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: List of Approved Forms; Incorporation
 RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The Board proposes the development of rule to modify language consistent with Section 455.213, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: List of Approved Forms; Incorporation.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Requirements for Certification and Registration
 RULE NO.: 61G4-15.005
 PURPOSE AND EFFECT: The Board proposes the development of rule to modify language.
 SUBJECT AREA TO BE ADDRESSED: Requirements for Certification and Registration.
 SPECIFIC AUTHORITY: 489.115(5),(6), 489.129(1), 489.132(5) FS.
 LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Examination and Reexamination
 RULE NO.: 61G4-16.009
 PURPOSE AND EFFECT: The Board proposes the development of rule to modify language.
 SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination.
 SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.
 LAW IMPLEMENTED: 455.217, 489.109, 489.111 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Application for Certification by Examination; Reexamination
 RULE NO.: 61G6-5.002
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Application for Certification by Examination; Reexamination.
 SPECIFIC AUTHORITY: 489.507(3) FS.
 LAW IMPLEMENTED: 489.511 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: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Public Liability and Workers' Compensation Insurance
 RULE NO.: 61G6-5.008
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Public Liability and Workers' Compensation Insurance.
 SPECIFIC AUTHORITY: 489.507(2), 489.510, 489.511(4), 489.515 FS.
 LAW IMPLEMENTED: 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS.

Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Quarterly Reporting Regarding Working Capital Requirements	61G7-10.001
Annual Financial Statements	61G7-10.0011
Notification of Initiation or Termination of Contractual Relationship	61G7-10.0013
Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name	61G7-10.002
On-Site Investigations	61G7-10.003

PURPOSE AND EFFECT: These rules are being amended to update forms, remove obsolete language, and add website addresses.

SUBJECT AREA TO BE ADDRESSED: Quarterly Reporting Regarding Working Capital Requirements, Annual Financial Statements, Notification of Initiation or Termination of Contractual Relationship, Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name, and On-Site Investigations.

SPECIFIC AUTHORITY: 468.522, 478.525(3), 468.525(3)(d), 468.526, 468.529(1), 568.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.520, 468.524(2), 468.525(3), 568.525(3)(d), 468.526, 468.529(3), 468.530(3), 468.531, 468.535 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-10.001 Quarterly Reporting Regarding Working Capital Requirements.
 Each employee leasing company shall submit, not later than 75 days after the end of each calendar quarter, a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.525(3)(d), F.S., in that it is maintaining positive working capital, and accounting net

worth, and has adequate reserves to pay, when due, all payroll taxes, workers' compensation and health insurance premiums, and amounts due under any plan of self-insurance or partial self-insurance. This statement shall be made on form DBPR EL 4504 ~~DPR/EL-004~~ entitled "Quarterly Report Form," effective 03-18-04 ~~12-19-94~~, which shall be filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter including confirmation from the insurance carrier that the Board will receive at least 30-days notification of cancellation of such insurance, and the company's balance sheet and income statement for the quarter. The form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0767; or its Website at www.myflorida.com. An employee leasing company may satisfy the requirements of this rule by submitting a certified true copy of its current National Associate of Professional Employer Organizations Staff Leasing Association quarterly report and copies of its balance sheet and income statement for the quarter.

Specific Authority 468.522, 468.525(3)(d), 468.529(1) FS. Law Implemented 468.525(3)(d), 468.529(1) FS. History--New 8-12-92, Amended 6-1-93, Formerly 21EE-10.001, Amended 5-8-94, 12-19-94,_____.

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows), and applicable footnotes. This information shall be submitted on the form entitled Standard Financial Statement, DBPR EL 4506, ~~DPR/EL-006~~, herein incorporated by reference and effective 03-18-04, ~~7-1-93~~, copies of which may ~~can~~ be obtained from the Board office or its Website at www.myflorida.com. The financial statements are to reflect positive working capital and positive accounting net worth, as required in Section 468.525(3), F.A.C. Financial statements which are not audited must be accompanied by a completed form DBPR EL 4503, entitled Employee Leasing Company Attestation to Financial Statements, ~~DPR/EL-003~~, as required in Rule 61G7-5.003, F.A.C.

(2) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History--New 5-8-94, Amended 6-30-99, 5-21-00,_____.

61G7-10.0013 Notification of Initiation or Termination of Contractual Relationship.

To facilitate each employee leasing company's compliance with its responsibilities under Section 468.529(3), F.S., within a 30-day period each licensed employee leasing company must notify their workers' compensation carrier, the Department of Financial Services, Division of Workers' Compensation and

the Division of Unemployment Compensation of the Agency for Workforce Innovation, of the initiation or termination of any contractual relationship with a client company on Form ~~DBPR EL 4502~~ DBPR EL 4502, entitled "Client Initiation or Termination Form," effective ~~03-18-04, 02/28/03~~, which is incorporated herein by reference and may be obtained by contacting the Board's office and at its Website at www.myflorida.com.

Specific Authority 468.522 FS. Law Implemented 468.520, 468.529(3) FS., as amended by Section 42, Chapter 94-119, Laws of Florida. History--New 7-20-92, Formerly 21EE-6.005, Amended 10-19-94, Formerly 61G7-6.005, Amended 7-30-03,_____.

61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

(1) through (2)(c) No change.

(d) Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application.	Form DBPR EL 4510, forms BPR/EL 010, entitled Application for Licensure As <u>An Employee Leasing Company Controlling Person, effective 03-18-04 and DBPR EL 4511, BPR/EL 011, entitled Application for Certificate of Approval for Change of Ownership, effective 03-18-04 where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. In the original application, Application For Certificate Of Approval For Change of Ownership, which are hereby incorporated by reference, and will be effective September 1996, copies of which may be obtained from the Board Office.</u>
(e) Sale or transfer of company stock.	<u>Change of Ownership application EL 4511, which causes a change in control and where applicable, controlling person license application for each new controlling person, EL 4510, and Historical Sketch form, EL 4512, where applicable.</u>
(f)(e) Sale or transfer of business assets (buyer takes over business; seller gets out of business)	new company application <u>if buyer not already licensed</u> , and fee from buyer – old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person as defined in Rule 61G7-6.003, F.A.C.

(f) through (h) renumber (g) through (i) No change.

(3) through (7) No change.

Specific Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. Law Implemented 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. History--New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97,_____.

61G7-10.003 On-Site Investigations.

(1) No change.

(2) The Department will, however, in lieu of an on-site investigation, audit, or review, accept submission of Quarterly Reports as defined in Rule 61G7-10.001, F.A.C., so long as the reports are submitted within the time frames and manner set out therein and so long as the reports submitted show the licensee is in compliance with the provisions of Part XI of Chapter 468, F.S. Reports which fail to evidence compliance or which are untimely filed will form the basis for disciplinary action or a full investigation. In order to take advantage of this option each licensee must sign DBPR Form EL 4515 ~~EL 015~~ entitled Quarterly Report Agreement, incorporated herein by reference and effective 03-18-04, 5-21-00, in which the licensee agrees to abide by the provisions of this rule and Rule 61G7-10.001, F.A.C. Submission of Quarterly Reports in compliance with this Rule shall be considered as compliance with the provisions of Rule 61G7-10.001, F.A.C. If, however, a licensee determines to subject itself to on-site inspections then the Quarterly Reports required under Rule 61G7-10.001, F.A.C., shall still be filed as required by the Rule.

(3) No change.

Specific Authority 468.522 FS. Law Implemented 468.525(3)(d), 468.535 FS. History--New 5-21-00, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: RULE NO.:

Schedule of Fees Adopted by the Board 61G16-3.001

PURPOSE AND EFFECT: The Board proposes to review the appropriateness of the fees.

SUBJECT AREA TO BE ADDRESSED: The fee schedule.

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 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, IF AVAILABLE, IS: John T. Knap, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

Division of Environmental Health

RULE CHAPTER TITLE:	RULE NO.:
Tanning Facilities	64E-17
RULE TITLES:	RULE NOS.:
Definitions	64E-17.001
Design and Safety Requirements	64E-17.002
Requirments for Stand-up Booths	64E-17.003
Operation and Training	64E-17.004
Licenses and Fees	64E-17.006

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate new language and discard language that is no longer applicable.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms and add new language that will incorporate safety, health and general sanitation requirements to safeguard the public against illness, injury, and disease.

SPECIFIC AUTHORITY: 381.89 FS.

LAW IMPLEMENTED: 381.89 FS.

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

TIME AND DATE: 11:00 a.m., August 25, 2004

PLACE: 4042 Bald Cypress Way, Room 225Q, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: VaKeshia Brown or Padraic Juarez, Bureau of Community Environmental Health Programs, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-17.001 Definitions.

(1) “Customer” – Means any person who is provided access to a tanning facility in exchange for a fee or other compensation, or any person who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

(2) “Employee” – Means someone who is working in or for a tanning establishment whether fixed or mobile, who is in direct contact with the customer for the purposes of cleaning, sanitizing, maintenance of tanning devices, determining human skin types and maximum allowable time of exposure; and assisting the customer in the proper use of tanning devices.

(3)(2) “Formal training” – Means a course of instruction approved by the department conducted or presented under formal classroom conditions by a person possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment. Training shall cover ultraviolet radiation and effects on the skin, skin typing, exposure time, photosensitivity, FDA and State regulations, eye protection, and equipment and maintenance.

(4) “Operator” – A tanning facility owner or a person who operates a tanning facility.

(5)(3) “Override timer control” – Means a separate electrical timer, switch, or similar device which may be used by the operator to start, stop, or reset the timer system for a tanning machine. The term does not include electric service panels which control the entire electrical system for a building or a portion of a building.

(6)(4) “Person” – Means any individual, corporation, partnership, association, political subdivision of this state, any other state or political subdivision or department thereof, and any legal successor, representative, agent, or department of the foregoing.

(7) “Phototherapy device”– A piece of equipment that emits ultraviolet radiation and that is used by a licensed health care professional in the treatment of disease.

(8) “Reconditioning”– Means a process or procedure by which distressed tanning devices can be brought into compliance with federal and state standards for the use by the public.

(9)(5) “Safe level” – Means not more than 50 colony-forming units per four (4) square inches of equipment surface.

(10)(6) “Sanitize” – Means the effective bactericidal treatment of surfaces of equipment and devices, which provides a sufficient concentration of chemicals and enough time to reduce the bacterial count, including pathogens, to a safe level.

~~(11)(7)~~ “Stop-use order” – Means a notice written to a tanning facility by the department to remove a tanning device from service because the device does not meet the requirements of this rule, or the device is not being operated in accordance with the requirements of this rule. This is a proposed agency action issued pursuant to Chapter 120.54, F.S. The notice shall include a statement of an individual’s right to request a hearing on the proposed action.

Specific Authority 381.011(13), 381.89(13) FS. Law Implemented 381.89(10),(12) FS. History—New 1-12-93, Amended 8-7-96, Formerly 10D-112.003, Amended _____.

64E-17.002 Design and Safety Requirements.

Each tanning facility shall be designed, operated, and maintained to meet the following minimum requirements:

(1) Prior to the use of a structure as a tanning facility, plans of the facility and its proposed operation shall be submitted to and approved by the local county ~~public health department unit~~. All plans shall be legible, drawn to scale and shall comply with the requirements of this chapter. Plans shall show the location of all tanning devices and sanitary facilities. All plans shall be processed in accordance with the requirements of Section 120.60, F.S.

(2) Physical facilities.

(a) The warning sign required by Section 381.89(4)(b), F.S., shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the user can easily view the warning sign before energizing the ultraviolet light generating equipment.

(b) Only tanning equipment manufactured, ~~and~~ certified and legibly labeled to comply with 21 Code of Federal Regulations (C.F.R.), Part 1040, Section 1040.20, “Sunlamp Products and Ultraviolet Lamps Intended For Use In Sunlamp Products”, incorporated herein by reference, shall be used in tanning facilities. Tanning devices that have been reconditioned must comply with federal and state requirements. Compliance shall be based on the federal standard in effect at the time of manufacture as shown on the device identification label.

(c) Each tanning device shall have a timer, which complies with the requirements of 21 C.F.R. Part 1040, Section 1040.20(c)(2)(3). The maximum timer interval shall not exceed the manufacturer’s maximum recommended exposure time. No timer interval shall have an error greater than plus or minus 10% of the maximum timer interval for the product. The tanning device timer shall be set by a trained operator or other trained facility employee. All tanning equipment shall be provided with an override timer control installed outside of the room in which a tanning device is located and operated only by tanning facility personnel. Each tanning device must be equipped with an emergency shut-off mechanism on the tanning device allowing manual termination of the UV exposure by the consumer, as required by 21 C.F.R. 1040.

(d) There shall be physical barriers to protect customers from injury through contact with hot or broken lamps.

(e) There shall be physical barriers around each tanning device which is in use, such as permanent or portable partitions, to protect people who are not using the device from line-of-sight accidental ultraviolet radiation exposures.

(f) A trained operator or other trained facility employee shall clean and properly sanitize any reusable protective eyewear and body contact surfaces of tanning devices after each use.

~~(g)(f)~~ When sanitizing tanning equipment and protective eyewear, the facility shall use a sanitizer capable of providing a safe level of microorganisms, as required by this rule. A clean paper or cloth towel shall be used each time the bed or other equipment is cleaned. The sanitizer, as described in this chapter, is one specifically manufactured for sanitizing ultraviolet light emitting equipment, protective eyewear, is registered with the U.S. Environmental Protection Agency (EPA), and does not damage the acrylic plastic surface of the unit.

(h) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million shall be used to measure the strength of the sanitizing solution at least once per day of tanning facility operation, or more frequently as needed to, ensure sufficient strength of the sanitizing solution.

~~(i)(g)~~ Each customer shall be provided with protective eyewear that meets the requirement of 21 C.F.R. Part 1040, subsection 1040.20 (c)(4) and instructions for their use. The operator or employee shall not allow a person to use a tanning device if that person refuses to use ~~of~~ protective eyewear.

(j) There shall be sufficient protective eyewear on the premises of tanning facility equal to the maximum number of persons that are able to use a tanning device at the same time.

~~(k)(h)~~ Exposure to the ultraviolet radiation produced by the tanning equipment itself is not considered a sanitizing agent for protective eyewear or tanning devices. Protective eyewear shall meet the requirements of 21 C.F.R. Part 1040, subsection 1040.20(e)(4).

~~(l)(i)~~ In addition to the requirements in subsection 381.89(6)(c), F.S., each person using a tanning device shall be instructed by the operator or a trained employee on the maximum exposure time, as recommended by the manufacturer of the device. The operator or a trained employee shall instruct the customer as to the location and proper operation of the tanning device’s emergency shut-off mechanism. Exposure to the ultraviolet radiation produced by the tanning equipment itself is not considered a sanitizing agent for protective eyewear or tanning devices.

~~(m)(j)~~ The operator must ensure that no individual is allowed to use a tanning device more than once every 24 hours. In addition to the requirements in subsection 381.89(6)(c), F.A.C., each person using a tanning device shall be instructed

by the operator or a trained employee on the maximum exposure time, as recommended by the manufacturer of the device. The operator or a trained employee shall instruct the customer as to the location and proper operation of the tanning device's emergency shut-off mechanism.

Specific Authority 381.89(13) FS. Law Implemented 381.89(4)(a) FS. History—New 1-12-93, Amended 8-7-96, Formerly 10D-112.004, Amended _____.

64E-17.003 Requirements for Stand-up Booths.

(1) There shall be floor markings or other means to indicate the proper exposure distance between ultraviolet lamps and the user's skin.

(2) The ~~construction of the~~ upright booth shall be of rigid construction and be so designed as to and secured so that it will withstand the stress of use and the impact of a falling person. The doors shall open outwardly and be designed for rapid exit from the booth in emergencies.

(3) ~~The booth shall be of rigid construction; doors shall open outwardly and be designed for rapid exit from the booth in emergencies.~~ Non-slip floors shall be provided to reduce the potential for injuries from falls. Floors shall be constructed of easily cleanable surfaces and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods. The temperature in enclosed booths shall be maintained below 100°F (38°C).

Specific Authority 381.89(13) FS. Law Implemented 381.89(6)(c) FS. History—New 1-12-93, Amended 8-7-96, Formerly 10D-112.005, Amended _____.

64E-17.004 Operation and Training.

(1) Each tanning facility shall have an operator who possesses a certificate of formal training, as defined in Section 64E-17.001, F.A.C. Formal training courses for operators must meet the requirements of subsection 64E-17.001(3)(2), F.A.C. When formal training courses are not available within a sixty-mile radius of a tanning facility in the time frame specified in subsection 64E-17.004(4), F.A.C., then the operator of that facility may substitute the successful completion of a correspondence training course. Correspondence courses must meet the subject matter requirements of subsection 64E-17.001(3)(2), F.A.C., and be approved by the department in order to qualify as training for operators.

(2) In addition to the requirements of subsection 64E-17.001(3)(2), F.A.C., each formal training course shall meet the following requirements.

(a) Each course shall be at least 5 ~~4~~ hours in length. These 5 ~~This 4~~ hours shall not include items such as registration, breaks, lunch, marketing, profit-making strategies, advertising and accounting, taking a test, or similar functions.

(b) Training shall include the following study topics for the minimum hours indicated:

1. Ultraviolet radiation and effects on the skin, 1 hour
2. Skin typing, 1/2 hour
3. Exposure time, 1/2 hour
4. Photosensitivity, 1/2 hour
5. Statute 381.89, FDA and State regulations, 1 hour
6. Eye protection, 1/2 hour
7. Equipment and maintenance, 1 hour

(c) ~~(b)~~ Each course shall ~~include written material which covers the required subjects and include written material, such as a core training manual; audio-visual presentations; which cover the required subjects, such as slides or videos; copies of the department's statute, rules and copies of Title 21, Code of Federal Regulation, Part 1040, Section 1040.20; and a question and answer period for trainees.~~

(3) Each employee who assists the customer or operates tanning devices must be trained on the proper operation and maintenance of tanning devices. The operator of the tanning facility is responsible for training those employees or ensuring that those employees take an approved training course. Proof of training must be maintained within the facility and be available for inspection. When the operator provides employee training, ~~is provided by the operator~~, that training shall include:

- (a) Review of the requirements of these rules;
- (b) Procedures for correct cleaning, sanitizing and operation of the device;
- (c) Recognition of overexposure or similar injury;
- (d) Review of manufacturer's procedures for operation and maintenance of tanning devices;
- (e) Medical aspects of ultraviolet radiation, photosensitivity, maximum allowable time of exposure, and determination of human skin types as it relates to compliance use of the FDA exposure schedule; and
- (f) Emergency procedures in case of overexposure or injury.

(4) Operators and other facility personnel who must comply with the training requirements of this chapter, must complete the required training according to the following:

(a) Operators hired on or after the effective date of this chapter must complete the required training prior to taking charge of a facility. Other facility personnel hired on or after the effective date of this chapter shall have a period of 30 days after the effective date of employment to successfully complete the required training; however, such persons shall work under the direct supervision of a trained operator, until they have successfully completed the required training;

(b) All personnel hired before the effective date of this chapter shall have a period of 30 days after the effective date of this chapter to successfully complete the required training.

(5) Any individual or organization requesting the department to review their training courses for compliance with the requirements of this rule, ~~shall should~~ submit copies of their training materials to the department prior to providing that training in the state. The materials submitted should include credentials of trainers and persons compiling the training materials, a copy of the classroom, Internet or correspondence course curriculum, copies of written materials to be received by trainees, a copy of the test to be given and answers to the test questions, and a statement indicating the length of time a classroom course will be conducted. The department shall review the materials and inform the applicant of its findings within 30 days from receipt of all training materials. When changes are made to a training course that has been reviewed and accepted by the department, those changes ~~shall should~~ also be submitted to the department for review prior to making the changes permanent in the training literature.

(6) In order to inform and assist the customer in the proper use of tanning devices and suitable physical aids, such as handrails and floor markings, an operator or facility employee who has been trained in accordance with the requirements of this rule must be present when tanning equipment is used. Prior to initial exposure, each customer must be given a copy of a written warning and shall be provided the opportunity to read the copy of the warning specified in subsection 64E-17.002(2)(a), F.A.C. The operator or employee shall then request that the customer sign a statement that the information has been read and understood and agrees to use protective eyewear. For illiterate or visually handicapped persons, the warning statement shall be read by the operator or employee in the presence of a witness. Both the witness and the operator or employee shall sign the statement. The customer must be informed whether the facility has liability insurance and the amount of such liability insurance shall be stated.

(7) A written and/or electronic record shall be kept for a period of four years by the facility operator of each customer's signature, age, total number of tanning visits, tanning time exposures, and the name of the operator or employee who assisted the customer.

(8) A written report of any alleged tanning injury shall be forwarded to the local county ~~HRS county public health department unit~~ which issued the license within five working days of its occurrence or knowledge thereof. The report shall include:

(a) The date of alleged injury and name and contact information of the affected individual;

(b) The name, location and license number of the tanning facility involved and the name of the operator or employee who assisted the customer;

(c) The nature of the alleged injury and duration of the tanning exposure;

(d) Name and address of the health care provider, and treatment, if any; and

(e) Information on the device involved, such as the manufacturer, model number, lamp used, and any other information considered relevant to the situation by the local county public health department unit.

(9) Burned-out or defective lamps or defective filters shall be replaced with a type intended for use in that device as specified on the product label on the tanning equipment or with lamps or filters that are equivalent under 21 C.F.R. 1040.20. When substitute lamps are being used, a statement from the manufacturer stating the replacement bulbs are FDA equivalent must be kept within the facility and be available for review on file stating the replacement bulbs are FDA equivalent. ~~If a tanning device has been reconditioned, a statement from FDA stating the replacement bulbs are FDA equivalent must be kept within the facility and be available for review.~~

(10) The owner's manual for each tanning device shall be on file at the tanning facility.

Specific Authority 381.89(6), 381.89(13) FS. Law Implemented 381.89(13) FS. History—New 1-12-93, Amended 8-7-96, Formerly 10D-112.006, Amended _____.

64E-17.006 Licenses and Fees.

(1) License required.

(a) Each tanning facility shall obtain a license from the department annually.

(b) Licenses for tanning facilities shall not be transferable from one location or person to another.

(c) All tanning facility licenses shall expire on September 30 of each year.

(d) Licenses shall be posted in a conspicuous location on the premises.

(2) License application.

(a) Each person who plans to construct, purchase, reopen, or operate a tanning facility shall apply for and receive a license from the department prior to the commencement of operation.

(b) Applications for initial licenses shall be accompanied by the annual or prorated fee required in subsection (5) and shall contain at least the following information:

1. Name, address and telephone number of the tanning facility and the owners and manager of the tanning facility.

2. The number and type of tanning devices located within the facility.

3. The manufacturer, model number, and serial number for each tanning device located within the facility, including the manufacturer and model of the lamps being used in each tanning device.

4. The geographic areas within the state to be covered, if the facility is mobile.

5. Name of the supplier of tanning equipment such as lamps, acrylic materials and the service agent currently responsible for tanning equipment installation, maintenance and repair.

6. A statement that the applicant has read and understands the requirements of these rules.

7. A copy of the facility’s operating and safety procedures.

8. A certificate of insurance or the name and policy number of the insurance company that provides liability insurance must be provided by facilities that have liability insurance, including the limits of liability.

(c) Persons with licenses for tanning facilities that have changed ownership, or that have licenses reinstated after revocation, or that have facility information changes, excluding name changes, compared to the original application, must comply with paragraph (b).

(3) License, Renewal, and Transfer.

(a) Before a license is issued to a newly constructed or remodeled tanning facility, an inspection shall be made by a representative of the department for the determination of compliance with the requirements of this rule.

~~(b) An application for renewal of an existing the tanning facility license is not required except as provided in (2)(c) above shall be made through the local county public health unit. The application for renewal shall be completed and received by the department not less than 30 days prior to the expiration of the current license.~~

(4) Reporting Changes.

(a) The licensee shall report changes to the department in writing before making any change which would render the information reported pursuant to subsection (2) above and contained in the application for license no longer accurate.

(b) This requirement shall not apply to changes involving the replacement of lamps with designated original equipment replacements or lamps which have been certified for use on those devices as equivalent lamps as specified by the product warning label and FDA policies applicable at the time of replacement of the lamps for tanning devices.

(b) The facility owner or manager shall maintain a copy on file of any manufacturer’s literature demonstrating the equivalency of any replacement lamps for tanning devices.

(5) Fees.

(a) A person applying for an annual license shall pay the full fee. All other applicants, such as for a change of ownership, reinstatement after revocation of license or a new license after the first quarter shall pay a prorated fee on a quarterly basis. Annual fees must be received by the department within 30 days of written notification or a late renewal fee will be assessed. ~~Annual fees must be received by the department within 30 days of written notification or a late~~

~~renewal fee will be assessed.~~ All tanning facilities shall pay an annual or prorated fee to the county public health department ~~unit~~ according to the following:

1. Annual License Fee (one device)	\$ 150.00
Each additional device	\$ 55.00
Total fee not to exceed	\$ 315.00
2. Late renewal of license	\$ 25.00

(b) All fees collected pursuant to this rule shall be placed in the county public health department ~~unit~~ trust fund to be used to meet the cost of carrying out the provisions of this rule. All fees submitted to the department are nonrefundable, once action has been taken on the application.

Specific Authority 381.89(13) FS. Law Implemented 381.89(3)(a),(b),(c),(13) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.008, Amended _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-54.002
Notice of Program and Invitation to Participate	67-54.003
Program Documents	67-54.004
Issuance of Certificate	67-54.005
Loan Processing	67-54.006
Eligible Borrowers	67-54.007
Eligible Properties	67-54.008
Reporting Requirements	67-54.009
Fees	67-54.010

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-54, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement Mortgage Credit Certificate Program (“Program”) provisions authorized by Florida Statutes, Section 159.81 and identify the definitions for terms when used in conjunction with the Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) development of General Program Requirements that prescribe the procedures used for allocating Mortgage Credit Certificates and (2) ratification of universal terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Mortgage Credit Certificate Program.

SPECIFIC AUTHORITY: 159.81 FS.

LAW IMPLEMENTED: 420.5099 FS.

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

TIME AND DATE: 2:00 p.m., August 8, 2004

PLACE: Florida Housing Finance Corporation, Formal Conference Room, 5th Floor, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact David Draper at the Florida Housing Finance Corporation (850)488-4197 at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at (800)955-9770 (voice) or (800)988-8711 (TDD).

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Penalty Calculation Worksheet
RULE NO.: 69L-6.027

PURPOSE AND EFFECT: The purpose and effect of the rule is to adopt a penalty calculation worksheet for use by the Bureau of Compliance in calculating penalties for employers who are found to be out of compliance with Chapter 440, Florida Statutes. The worksheet is utilized either as an independent excel spreadsheet or as a component of the Bureau's CCSA (Coverage and Compliance Automated System) database.

SUBJECT AREA TO BE ADDRESSED: Use of a penalty calculation worksheet for purposes of calculating penalties to be assessed against employers who are not in compliance with Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107 FS.

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

TIME AND DATE: 9:30 a.m., August 31, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to Section 440.107, Florida Statutes, the Division shall use form #DFS-F4-1595 (rev. 4/04) which is incorporated herein by reference.

(2) Copies of this form #DFS-F4-1595 (rev. 4/04) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107 FS. History--New

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Workers' Compensation Insurer Reporting
RULE NO.: 690-189.015
of Underwriting Changes

PURPOSE AND EFFECT: To adopt definitions and standards for workers' compensation insurer reporting significant underwriting changes to the Office of Insurance Regulation, as required by SB 1926.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation.

SPECIFIC AUTHORITY: 624.308(1), 624.4315 FS.

LAW IMPLEMENTED: 624.4315 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., August 31, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the 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, IF AVAILABLE, IS: Jim Watford, Office of Insurance Regulation, e-mail: watfordj@dfs.state.fl.us

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