

4. Photographs of the vehicle damage if feasible;

5. If other than a total loss of the motor vehicle occurs, then two estimates for vehicle repairs, and invoices for the repairs; and

6. All available accident reports.

(c) The Division will adjust the claim and issue payment for the repairs to the state agency, according to its Policies and Procedures.

(d) In the event of a total loss claim, the Division will dispose of the salvage and retain any salvage value.

(e) The Division will pursue subrogation on claims caused by the negligence of another party, and will retain any funds recouped by it.

(f) Questions regarding this Rule will be addressed to the Insurance Specialist II, Automobile Appraisals, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0338.

Specific Authority 284.311 FS. Law Implemented 284.311 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trilly Lester, Director of Risk Management, Division of Risk Management, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.004	Voting Machine Equipment Regulation/Purchase, Use and Sale

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

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 NO.:	RULE TITLE:
33-203.201	Inmate Trust Fund
NOTICE OF CHANGE	

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 36, (September 3, 2004), issue of the Florida Administrative Weekly:

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 no more than \$6.00 ~~\$4.00~~ per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged \$1.00 for each weekly draw, and \$0.50 for each deposit and each special withdrawal.

(2) through (12) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.001	Providers Who Bill on the Non-Institutional 081
59G-13.110	Project AIDS Care Waiver Services
NOTICE OF CHANGE	

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 44, October 29, 2004, issue of the Florida Administrative Weekly. These changes are in response to written comments received prior to the public hearing.

The following language was added to Rule 59G-13.001, F.A.C., at the end of subsection (2), "These forms are available from the Medicaid fiscal agent."

The following language was added to Rule 59G-13.110, F.A.C., at the end of paragraph (3), "These forms, except for the Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, and the PHC Initial Care Management Assessment, AHF/FPHC © 06/2002, are available by photocopying them from the Florida Medicaid

Project AIDS Care Waiver Services Coverage and Limitations Handbook. The handbook is available from the Medicaid fiscal agent. The Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, is available from the Department of Elder Affairs, CARES unit, and the PHC Initial Care Management Assessment, AHF/FPHC © 06/2002, is available from Positive Healthcare.”

The rule incorporates by reference the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The following change was made to the handbook.

Appendix A, Page A-1 and A-2. We deleted the appendix cover and the PAC Waiver Services Procedure Codes, Reimbursement and Maximum Limits for dates of services prior to October 16, 2003; because the procedures codes listed are obsolete.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60Z-1	Municipal Police Officers’ Retirement Trust Fund
RULE NO.:	RULE TITLE:
60Z-1.026	Use of State Premium Tax Revenues

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 29, No. 10, March 7, 2003, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60Z-2	Municipal Firefighters’ Pension Trust Fund
RULE NO.:	RULE TITLE:
60Z-2.017	Use of Premium Tax Revenues

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules published in the Florida Administrative Weekly, Vol. 29, No. 10, March 7, 2003, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-11.017	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, of the September 24, 2004, Florida Administrative Weekly. The rule(s) shall now read as follows:

A licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse’s duties with the Armed Forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of their absence from the state and the spouse’s military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.:	RULE TITLE:
61G6-5.001	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 5, on January 31, 2003 and in Vol. 29, No. 7, on February 14, 2003 (Notice of Change), of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.:	RULE TITLE:
61G6-5.002	Application for Certification by Examination; Reexamination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 45, of the November 5, 2004, issue of the Florida Administrative Weekly. The rule shall now read as follows:

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination.

Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454 – Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this Rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

(2) All retake exam ~~reexamination~~ applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the Technical/Safety examination for which the individual is applying. The form is entitled "Retake Exam Application," DBPR ECLB 4457, Effective Date: November 12, 2004, and incorporated herein by reference. Copies of the application can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

(3) The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For re-examination on the Technical/Safety examination, a retake exam application must be submitted to the Department. For re-examination on the Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-6.005
RULE TITLE: Reexamination
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 45, of the November 5, 2004, issue of the Florida Administrative Weekly. The rule shall now read as follows:

(1) An applicant who fails the Technical/Safety certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable. The Business Computer-Based Test may be taken up to three (3) times after the candidate is initially approved to sit for the examination. The Technical/Safety examination portion may be taken up to three (3) times after the candidate is initially approved to sit for the examination. A retake exam application must be submitted to the Department for each attempt of the Technical/Safety portion of the examination. However, a retake exam application shall not be required to be submitted for each retake of the Computer-Based Test and there shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination portions 3 or more times, must complete a minimum of 7 hours of continuing education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam portions. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board Accountancy

RULE NO.: 61H1-29.003
RULE TITLE: Experience for Licensure by
Endorsement

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 30, No. 47, November 19, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

61H1-29.003 Experience for Licensure by Endorsement.

(1) Any applicant seeking licensure by endorsement under Section 473.308(3), F. S., shall meet the requirements of that section provided that, while licensed in another state, the applicant has completed whatever continuing education is required by that state to maintain an active license to practice public accounting in that state, so long as such requirements are equivalent to those required to maintain an active license in Florida for the two (2) years immediately preceding the filing of the application.

(2) Experience used to meet the requirements of Section 473.308(4), F.S., must include at least five years experience in the practice of public accounting while licensed after licensure as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government provided that the position held meets the activity and supervision requirements set forth in Section 473.308(4), F.S.

~~The applicant shall, while licensed in another state, complete continuing education required to be recognized to practice public accounting in the state.~~

Specific Authority 473.304, 473.308 FS. Law Implemented 473.308 FS. History—New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98, 5-19-03, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Accountancy**

RULE NO.:

61H1-36.004

RULE TITLE:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 37, September 10, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments by the Joint Administrative Procedures Committee.

61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1)(a) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 473, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 473, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. ~~Multiple counts of violations of the same provision of Chapter 473 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties.~~ All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion.

(b) Standard probationary terms will include, as applicable, a review of the licensee's practice, including analysis of selected financial statements (including working papers), restriction of the scope of the licensee's practice and review of internal controls put in place by the licensee in order to eliminate the violation. All of the above will usually include the use of a CPA consultant employed by the Department of Business and Professional Regulation or approved by the Board and will usually require the licensee to assume the cost of the consultant's activities. Additional continuing education may also be required of a licensee where deficiencies in a particular practice area are noted. In all cases of probation or suspension a report showing compliance with the terms of the final order must be received and accepted by the Board prior to the termination of the probation or suspension. Other specific terms of probation or suspension may be imposed, as necessary, by the Board.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Attempting to procure license by bribery or fraudulent misrepresentation (455.227(1)(h) , 473.323(1)(b), F.S.)	Revocation and \$5,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(b) CPA License disciplined by another jurisdiction (455.227(1)(f) , 473.323(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or imposition of same range of penalties as those set forth in those rules for the same type of violation.	
(c) Criminal conviction relating to accountancy (455.227(1)(c) , 473.323(1)(d), F.S.)	Misdemeanor: Reprimand Felony: One (1) year suspension; two (2) year probation \$5,000 fine	Reprimand and \$5,000 fine one (1) year suspension and two (2) year probation Revocation and \$5,000 fine
(d) Knowingly making or filing false report (455.227(1)(g) , (1)(l) , 473.323(1)(e), F.S.)	Reprimand one (1) year probation	Revocation and \$5,000 fine
(e) Fraudulent, false, deceptive or misleading advertising (473.323(1)(f), F.S., <u>Rule 61H1-24.001, F.A.C.</u>)	Letter of Guidance	Reprimand, one (1) year probation and \$5,000 fine
(f) Incompetence (mental or physical impairment) (473.323(1)(g), F.S., <u>Rule 61H1-36.001, F.A.C.</u>)	Suspension until ability to practice proved, followed by probation	
(g) Fraud, or <u>deceit or misleading</u> (455.227(1)(a) , (m) , 473.323(1)(g), (k), F.S.)	Reprimand, one (1) year suspension; two (2) years probation and \$5,000 fine	\$5,000 fine and revocation
(h) Negligence or misconduct 1. Technical standards and professional competence (455.227(1)(o) , 473.315, F.S.; <u>Rules 61H1-21.006 and 61H1-22, F.A.C.</u>)	Letter of Guidance	Reprimand and one (1) year probation (continuing education and review of practice at licensee's expense and limited area of practice)
2. Lack of independence (473.315, 473.319 , 473.3205 , F.S.; <u>Rule 61H1-21.001, F.A.C.</u>)	Reprimand, one (1) year probation with review of practice and continuing education	Reprimand, one (1) year suspension, two (2) years probation and review of practice and continuing education
3. Commissions and contingent fees (<u>Rules 61H1-21.001</u> , 61H1-21.003, 61H1-21.005, <u>F.A.C.</u>)	Reprimand	One (1) year suspension, two (2) years probation \$5,000 fine
4. Client records disposition (<u>Rule 61H1-23.002, F.A.C.</u>)	Letter of Guidance	Suspension until records are returned
(i) Solicitation (473.323(1)(i), F.S.; <u>Rule 61H1-24.002, F.A.C.</u>)	Letter of Guidance	Reprimand, one (1) year probation \$5,000 fine and one (1) year suspension

(i)(j) Practicing on suspended or revoked license (473.323(1)(i), F.S.)	Revoke if previously suspended; refer to State Attorney if previously revoked	
(j)(k) Practicing on inactive <u>or delinquent</u> license (455.271, 473.323(1)(i), F.S.)	Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice)	
(k)(l) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of 473.309, 473.3101, and 473.323(1)(g), F.S.; <u>Rule 61H1-26.001, F.A.C.</u>	Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected	
(l)(m) Suspension of right to practice in front of any state or federal agency (455.227(1)(f), 473.323(1)(j), F.S.)	Same penalty as imposed by agency or imposition of same range of penalties as those set forth in those rules for the same type of violation	
(m)(n) Lack of Good Moral Character (473.323(1)(l), F.S.)	Reprimand; and one year probation	Revocation
(n)(o) Failure to pay fines or administrative costs imposed by final order or citations set forth in 61H1-36.005, <u>F.A.C.</u>	\$100 per month late fee for every month the licensee is late to a maximum of \$5,000	Revocation
(o)(p) Violation of CE requirements (473.323(1)(a) by 473.312 or 473.323(1)(h), 455.227(1)(q), F.S. by 61H1-33.003 and/or 61H1-33.0035, F.A.C.)	<u>Reprimand, probation, make up missed CEs and penalty CEs</u>	<u>Suspension and \$1000 fine</u>
(p)(q) Violation of client confidentiality (473.323(1)(a) by 473.316(1)(h) , or 455.227(1)(q), F.S. by 61H1-23.001, F.A.C.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(q)(r) Misleading or deceptive name (473.323(1)(a) by 473.321, F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(r)(s) Violation of 473.323(1)(a) by 473.322, F.S.:		
1. Present license of another as one's own (473.322(1)(d), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
2. Give false or forged evidence to Board or member thereof (473.322(1)(e), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>
3. Use or attempt to use license that has been suspended, revoked, or placed on inactive or delinquent status (473.322(1)(f), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>
4. Employ unlicensed persons to practice public accounting; aiding or assisting unlicensed practice public accounting. (473.322(1)(g), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>

5. Conceal information relative to violations of Chapter 473 (473.322(1)(h), F.S.)	Reprimand, probation, and \$1000 fine	Suspension and \$5000 fine
(s)(t) Failure to provide legally-required written disclosure to client or public (violation of 473.323(1)(m), F.S.)	Reprimand, Probation, and \$1000 Fine	Suspension and \$5,000 fine
(t)(u) Violation of 473.323(1)(a) by 455.227(1), F.S.:		
1. Improper influence on client (Section 455.227(1)(n), F.S.)	Reprimand, Probation, and \$1000 Fine	Revocation and \$5,000 fine
2. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	Reprimand, Probation, and \$1000 Fine	Suspension and \$5,000 fine
3. Improper interference with investigation or disciplinary proceeding (Section 455.227(1)(r), F.S.)	Reprimand, Probation, and \$1000 Fine	Revocation and \$5,000 fine
4. Failure to perform statutory/ legal obligations (455.227(1)(k), F.S.)	Reprimand, Probation and \$1000 Fine	Suspension and \$1,000 fine
(u)(v) Failure to maintain current address (violation of 455.275, 455.227(1)(q), and 473.323(1)(h), F.S. by violating Rule 61H1-26.005, F.A.C.)	Reprimand and \$500 Fine	Suspension and \$1,000 fine
(v)(w) Standards for assembly of financial statements (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-20.0053, F.A.C.)	Reprimand, probation, and \$1000 fine	Suspension and \$5,000 fine
(w)(x) Violation of 473.323(1)(h) and 455.227(1)(q), F.S., by Rule 61H1-25.001, F.A.C.) Same as (t)(u)(2) <u>supra</u>	Reprimand, probation, and \$1000 fine	Suspension and \$5,000 fine
(x)(y) Minimum Capital (Violation of and 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-26.002, F.A.C.)	Reprimand, Probation, \$1000 Fine and Corrective Action. <u>Must document required capital.</u>	Suspension and \$5,000 Fine
(y)(z) Licensure of firm names and changes (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rules 61H1-26.003 and 61H1-26.004, F.A.C.)	Reprimand, Probation, \$100/ Month Fine and Corrective Action. <u>Must document licensure.</u>	Suspension and \$5,000 Fine
(aa) Failure to report discipline violation (455.227(1)(i), F.S.)	Reprimand, Probation, and \$1000 Fine.	Suspension and \$5,000 Fine.

(3) The Board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final penalty.

(a) Aggravating circumstances: circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.

2. In the case of negligence; of the magnitude and scope of the engagement and the damage inflicted upon the general public by the licensee's misfeasance.

3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.

4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S. has previously been issued to the licensee.

5. Multiple convictions of violations of the same provision of Chapter 473, F.S., or the rules promulgated thereto contained in the same administrative complaint.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the engagement in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.
3. Restitution of any damages suffered by the licensee's client.
4. The licensee's professional standing among his peers including continuing education.
5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.
6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.
7. Cooperation with the Department of Business and Professional Regulation and the Board including understanding and admission of the violation by the Respondent.

Specific Authority 455.2273 FS. Law Implemented 455.2273, 473.323(1)(m) FS. History—New 1-7-87, Amended 9-16-87, 8-25-88, 6-18-91, 12-30-91, Formerly 21A-36.004, Amended 12-7-93, 5-23-94, 8-16-99, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

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 Medical Quality Assurance

RULE NO.: 64B-5.001
 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 30, July 23, 2004, issue of the Florida Administrative Weekly. The changes are in response to the Final Order issued in DOAH Case No. 04-3172RP on November 23, 2004.

Section (1) of the rule shall now read as follows:

(1) "Approved provider" means approved by a board, or the department when there is no board, to provide continuing education or whose continuing education program has been approved by a board, or the department when there is no board. "Approved provider" also means an institution of higher learning or a school required to be approved by a board, or the department when there is no board, to provide continuing education or whose continuing education program has been approved by a board, or the department when there is no board. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Jones, Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-53.008
 RULE TITLES: Compliance and Reporting Requirements
 67-53.010 Forms

NOTICE OF CORRECTION

The above-referenced proposed rules were published in the November 24, 2004, issue of the Florida Administrative Weekly, Vol. 30, No. 48, on page 4967.

The notice included 67-52.008 and 67-52.010 as the Rule Numbers for these rules. These rule numbers are incorrect. The correct Rule Numbers are 67-53.008 and 67-53.010.

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bonnie Percy Hill, Assistant Director Asset Management, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.015
 RULE TITLE: Record Maintenance and Production Requirements for Employers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 44, October 29, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed as a result of written comments.

(1) through (8) No change.

(9) Workers' compensation insurance and certificates of election to be exempt.

(a) No change.

(b) Every employer shall maintain all premium audit documents provided by the workers' compensation carrier to the employer and all premium self-audits, together with supporting documentation and correspondence provided by the employer to its workers' compensation carrier.

(c) through (e) No change.

(10) through (12) No change.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

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 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 FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE:

RULE NO.:

Special Provisions; Personal Residential
and Commercial Residential Property
Insurance Policies

69OER04-06

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Insurance Regulation ("Office") hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

The 2004 hurricane season has been particularly destructive for Florida. Insured losses due to the multiple storms have been estimated to be collectively \$20 billion. Tropical Storm Bonnie caused damage in north Florida. Substantial damage in southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004, as a Category 4 Hurricane with sustained winds up to 145 miles per hour. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Hurricane Frances hit the east coast of Florida on September 4, 2004 as a Category 2 Hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, 2004, Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a Category 4 Hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida state line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

And finally, Hurricane Jeanne made landfall near Stuart, Florida, the night of September 25, 2004 as a Category 3 Hurricane with sustained winds up to 120 miles per hour. On September 26, 2004, the storm made a path northwest across the state.

The Governor of Florida has issued four orders declaring a state of emergency due to the storms (Executive Orders 04-182, 04-192, 04-206, and 04-217). The President of the United States has declared most of Florida a federal disaster area.

Insurers have reported in excess of 1.4 million property insurance claims as a result of the four hurricanes. In many areas, building contractors are unable to serve all of the needs of homeowners whose homes are damaged from the storms. Homeowners have complained to the Department of Financial Services, Division of Consumer Services that they are unable to find a contractor. Homes will be in various stages of disrepair for several months, some to the point at which they cannot meet the underwriting guidelines for voluntary insurers or even for Citizens Property Insurance Corporation because they are still under construction. Leaving these homeowners without the ability to insure their property poses an immediate threat to public safety and welfare.

There are not a sufficient number of contractors available to expeditiously complete repairs in reasonable time frames. Governor Jeb Bush has recognized this emergency state of affairs and issued Executive Order Number 04-241, on November 10, 2004, extending the time period which suspends the requirement that out of state roofing contractors must be certified or registered in the State of Florida, but allows them to operate with local licenses provided they are properly licensed in their home state.

Unfortunately, there have been reports that some insurers are attempting to cancel or nonrenew insurance policies for homes that have not been completely repaired. Due to underwriting guidelines of other insurers these insureds would not be able to obtain replacement coverage with another insurer. The resulting inability to secure insurance coverage would also adversely affect the sale and exchange of damaged structures