

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.

(2) Bag Limits –

(a) Except for persons harvesting pompano commercially pursuant to the limits established by Rule 68B-35.005, F.A.C., or permit pursuant to a valid saltwater products license with a restricted species endorsement, ~~persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b), F.A.C.,~~ no person shall harvest in or from state waters more than a total of 6 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 6 such fish. No more than one (1) of such pompano or permit may exceed 20 inches fork length. No more than two (2) permit or pompano in any combination exceeding 20 inches fork length shall be possessed onboard any vessel at any time.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day; however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, \_\_\_\_\_.

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Division of Law Enforcement

RULE CHAPTER TITLE: Uniform Waterway Markers

RULE CHAPTER NO.:

in Florida Waters

68D-23

PURPOSE AND EFFECT: This rule chapter establishes uniform standards for waterway markers within Florida waters. The purposes of the proposed changes to rules within this chapter are to: (1) correct and update statutory cross-references that have been changed since the current rule was promulgated in 2001; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete provisions and cross-references; and (4) respond to requests for revisions received from stakeholders and from other governmental entities. The anticipated effects include the relaxation of certain reporting requirements and other reductions to the regulatory burden on permittees where possible. Other

anticipated effects include the provision to applicants of greater flexibility in the size of and messages displayed on waterway regulatory and information markers.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures and requirements for uniform waterway markers established and maintained in Florida waters.

SPECIFIC AUTHORITY: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41 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: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Cultural Affairs

RULE TITLE:

RULE NO.:

Division of Cultural Affairs

IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division's fellowship grant program and its specific eligibility and evaluation criteria. Effected persons would be individual artists applying to the fellowship program.

SUMMARY: The rule reflects a change in the fellowship grant program description. It removes honorable mention as a non-cash award option and changes language in the amount of the fellowship award from \$5,000 to not to exceed \$5,000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed rule.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 1:00 p.m., January 13, 2005

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

1T-1.001 Division of Cultural Affairs.

(1) through (17) No change.

(18) Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

(a) To be eligible for a fellowship, an applicant must:

1. Be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period;

2. Be at least 18 years of age;

3. Not to be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period;

4. Have not received a fellowship award during the five-year period preceding the new award period;

5. Not serve as a grant review panelist if he/she has an application before the same discipline panel.

(b) Eligible applicants must submit a completed Fellowship ~~A~~pplication ~~F~~orm (CA2E012, eff. ~~8/02~~, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

(c) The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the traditionality of the art form.

(d) Samples of work submitted by applicants by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicants work are presented to the panelists without revealing the applicant's identity.

(e) During the first phase of all panel reviews the applications are rated on a scale of 1 to 10. Only applications ranked 8 or higher are eligible to be considered for fellowship awards ~~or honorable mention~~ during the second phase of review.

(f) Fellowship awards not to exceed ~~of~~ \$5,000 each are made based on the panel's recommendations. Funds are available through a grant agreement on a non-matching basis.

(19) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

#### **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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 991473-TP

## RULE TITLES:

Application and Scope	25-4.002
Definitions	25-4.003
Periodic Reports	25-4.0185
Report of Interruptions	25-4.023
Safety	25-4.038
Availability of Service	25-4.066
Customer Trouble Reports	25-4.070
Transmission Requirements	25-4.072
Answering Time	25-4.073
Customer Appointments	25-4.0770
Weighted Measurement of Quality of Service	25-4.080
Service Guarantee Program	25-4.085

## RULE NOS.:

PURPOSE AND EFFECT: The purpose of this rulemaking is to eliminate rules that are no longer necessary, clarify rules that are ambiguous, and to provide the option of a Service Guarantee Program from which consumers can directly benefit if the company misses a service standard.

SUMMARY: The proposed rule amendments pertain to standards of customer service imposed upon incumbent local exchange companies. The proposed rules apply only to residential telephone service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: For the majority of telecommunications companies affected, the transactional costs are small. For one company, the costs are large, but that company is not in compliance with the existing rules. If that company were in compliance, its transactional costs would also be small because the proposed rules are not stricter than the existing rules.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.035, 364.036, 364.14, 364.15, 364.17, 364.171, 364.18, 364.19, 364.183, 364.185, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.386, 364.602, 364.603, 364.604 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Marlene K. Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards ~~that~~ ~~which~~ will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. The rules contained in Part II and Part V apply only to residential service. The rules contained in Part X of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all competitive local exchange telecommunications companies.

## (2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, \_\_\_\_\_.

## 25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) "Access Line" or "Subscriber Line;" or "Subscriber Loop." The circuit or channel between the demarcation point at the customer's premises and the serving end or class 5 central office.

~~(2) "Competitive Local Exchange Telecommunications Company (CLEC)." Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.~~

~~(2)(3)~~ No change.

~~(3)(4)~~ "Billing Party." Any entity ~~telecommunications company~~ that bills an end user ~~consumer~~ on its own behalf or on behalf of an originating party.

## (5) through (9) renumbered (4) through (8) No change.

~~(9)(10)~~ "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02(13)(12), Florida Statutes.

(10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(11) through (16) No change.

(17) “Extension Station.” An additional station connected on the same circuit as the main station and subsidiary thereto.

(18) through (20) renumbered (17) through (19) No change.

(21) “Interexchange Company (IXC).” Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDA as defined in subsection (37) of these definitions.

(20)(22) No change.

(21)(23) “Interstate Toll Message.” Those toll messages which that do not originate and terminate within the same state.

(24) through (25) renumbered (22) through (23) No change.

(24) “Intrastate Interexchange Company (IXC).” Any entity that provides intrastate interexchange telecommunications services.

(25)(26) “Intrastate Intra-state Toll Message.” Those toll messages which originate and terminate within the same state.

(27) through (29) renumbered (26) through (28) No change.

(29)(30) “Local Exchange Telecommunications Company (LEC).” Any telecommunications company, certificated by the Commission prior to July 1, 1995, to provide local exchange telecommunications service as defined in Section 364.02(6), Florida Statutes.

(31) through (32) renumbered (30) through (31) No change.

(32)(33) “Local Toll Provider (LTP).” Any entity telecommunications company providing intraLATA or intramarket area long distance telecommunications service.

(33)(34) “Main Station.” The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by a an individual or party line circuit or channel.

(35) through (36) renumbered (34) through (35) No change.

(37) “Multiple Location Discount Aggregator (MLDA).” An entity that offers discounted long distance telecommunications services from an underlying IXC to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:

(a) It collects fees related to interexchange telecommunications services directly from subscribers;

(b) It bills for interexchange telecommunications services in its own name;

(c) It is responsible for an end user’s unpaid interexchange telecommunications bill; or

(d) A customer’s bill cannot be determined by applying the tariff of the underlying IXC to the customer’s individual usage.

(36) “New Construction.” New construction is the installation of facilities to serve unserved areas; new construction is not the rearrangement or repair of defective facilities to serve an existing area. Adding to or the rearrangement of existing facilities is not considered “new construction” unless an engineer work order is issued.

(37)(38) “Normal Working Days.” The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone company utility.

(38)(39) No change.

(39)(40) “Originating Party.” Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in Section 364.02(13)(a) through (f), Florida Statutes (12), Florida Statutes.

(41) through (44) renumbered (40) through (43) No change.

(44)(45) “Provider.” Any entity telecommunications company providing telecommunication service, excluding pay telephone providers and call aggregators (i.e., local, local toll, and toll providers).

(45)(46) No change.

(46)(47) “Service Standard.” A level of service that which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(48) through (50) renumbered (47) through (49) No change.

(50)(51) “Subscriber Line.” Or “Subscriber Loop.” See “Access Line.”

(51)(52) No change.

(52)(53) “Toll Connecting Trunk.” A trunk that which connects a local central office with its toll operating office.

(53)(54) No change.

(54)(55) “Toll Provider (TP).” Any entity telecommunications company providing interLATA long distance telecommunications service.

(56) through (59) renumbered (55) through (58) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00,\_\_\_\_\_.

#### 25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Competitive Markets and Enforcement ~~Services~~ the information required by Commission Form PSC/CMP 28 ( /04 3/96), which is incorporated into this rule by reference. Form PSC/CMP 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Competitive Markets and Enforcement.

(1) The information required by schedules 2, 3, 4, 8, 11, ~~13, 14, 15, and 16 and 20~~ of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and semiannually by the small LECs and shall be filed on or before the end of the month following the reporting period.

~~(2) The information required by Schedules 17 and 18 of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and shall be filed on or before the end of the month following the reporting period.~~

~~(2)(3)~~ No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS. History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96,\_\_\_\_\_.

#### 25-4.023 Report of Interruptions.

(1) The Commission shall be informed of any major interruptions to service that affecting 1,000 or more subscribers for a period of 30 minutes or more an entire community or a substantial portion of a community as soon as it they comes to the attention of the utility. The Company shall provide the time, the location, the expected duration of the outage and when the interruption is restored.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96,\_\_\_\_\_.

#### 25-4.038 Safety.

Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC), incorporated herein by reference.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—New 12-1-86, Formerly 25-4.38, Amended \_\_\_\_\_.

#### 25-4.066 Availability of Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telephone communications service within its certificated area in accordance with its filed tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines or service center within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.

(3) If the applicant requests an installation date beyond three working days, the requested date shall be counted as day three for measurement purposes.

(4) When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.

(3) through (4) renumbered (5) through (6) No change.

~~(7)(5)~~ Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission which and shall include an explanation of the reasons therefor.

(8) Each company shall report pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMP 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.

Specific Authority 350.127(2), ~~364.14~~ FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96,\_\_\_\_\_.

## 25-4.070 Customer Trouble Reports.

(1) through (2) No change.

(3) Service Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines and will be as measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be as measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) Priority shall be given to service interruptions that which affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.

(5) through (6) No change.

(7) Reporting Criteria: Each company shall periodically report the data as specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, \_\_\_\_\_.

## 25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. Transmission parameters shall conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted 1984) incorporated herein by reference. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications. The maximum loss objective of inter-toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.

(2) through (3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, \_\_\_\_\_.

## 25-4.073 Answering Time.

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

(a) ~~If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.~~

(b) ~~If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after zero only is dialed.~~

(a)(e) ~~At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed when no menu driven system is utilized.~~

(b)(d) ~~Notwithstanding paragraph (c) above, When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall only identify the company and the general options available to the customer. include (The option of transferring to a live attendant within the first 30 seconds of the message shall be included in the initial message.~~

(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, the call except for business office calls, at least ninety five (95%) percent of all calls shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within fifty five (55) seconds of being transferred to the attendant after the last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual Tone Multiple Frequency (DTMF) keypad associated with a telephone.

~~(e) In accordance with Rule 25-4.0770, F.A.C., when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(f) Automated systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.~~

~~(d)(g) The terms "answered" as used in paragraphs (a) and (c)(b) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance, and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

~~(3) All telephone communications companies are expected to answer their main published telephone number on a twenty-four (24) hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.~~

~~(4) Each company shall report, pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the performance of the company with respect to answer time as outlined in Form PSC/CMP 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.17, 364.03, 364.386, 365.171 FS. History-New 12-1-68, Formerly 25-4.73, Amended 3-31-76, 11-24-92, \_\_\_\_\_.

#### 25-4.0770 Customer Appointments.

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03(1), 364.19 FS. History-New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed \_\_\_\_\_.

#### 25-4.080 Weighted Measurement of Quality of Service.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History-New 6-2-93, Repealed \_\_\_\_\_.

#### 25-4.085 Service Guarantee Program.

A company may petition the Commission for approval of a Service Guarantee Program, which would relieve the company from the rule requirement of each service standard addressed in the approved Service Guarantee Program. The Commission shall have the right to enforce the provisions of the Service Guarantee Plan.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Moses

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: Vol. 30, No. 10, March 5, 2004

### WATER MANAGEMENT DISTRICTS

#### St. Johns River Water Management District

RULE TITLE: Conditions for Issuance of Permits  
RULE NO.: 40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete a provision in paragraph 40C-41.063(7)(b), F.A.C. (which requires that applications for stormwater permits, which propose alternative designs to the minimum required by paragraph 40C-41.063(7)(a), F.A.C., must be processed as applications for individual stormwater permits), so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.), to reduce the number of projects that must obtain individual permits and thereby reducing processing time and costs for applicants.

SUMMARY: Deleting paragraph 40C-41.063(7)(b), F.A.C., so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., February 8, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.063 Conditions for Issuance of Permits.

(1) through (6) No change.

(7) Within the Sensitive Karst Areas Basin, ~~the following criteria are established:~~

~~(a)~~ Stormwater management systems should be designed to assure adequate treatment (pursuant to Rule 62-28.700, F.A.C.) of the stormwater before it enters the Floridan Aquifer, and to preclude the formation of solution pipe sinkholes in the stormwater system. Many different stormwater management system designs will achieve these goals, therefore the District does not require any specific system design. However, to assure protection of the Floridan Aquifer, the District does require certain design features. The individual site characteristics may affect what design features will be required. However, for all projects in sensitive karst areas, the following minimum design features are required:

1. through 5. renumbered (a) through (e) No change.

a. through g. renumbered 1. through 6. No change.

~~(b) Applicants for a stormwater management permit which do not propose to meet at least the minimum design features in paragraph (a) above, may seek approval for the alternative design through the District's individual permit process. However, the applicant must provide reasonable assurance that state water quality standards are met.~~

(8) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr., Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

## DEPARTMENT OF THE LOTTERY

RULE TITLE: Attendance and Leave RULE NO.: 53-20.005

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to set forth the provisions for the disposition of annual leave credits upon the transfer of an Executive Management Service member to a position in state government outside the Lottery.

SUMMARY: The proposed rule amendment sets forth the provisions for the disposition of annual leave credits upon the transfer of an Executive Management Service member to a position in state government outside the Lottery and implements in permanent rule form the provisions set forth in Emergency Rule 53ER04-65, *Executive Service Management-Attendance and Leave*.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) FS.



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

TIME AND DATE: 9:00 a.m., January 18, 2005

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-20.005 Attendance and Leave.

(1) through (4) No change.

(5) Upon transfer of an Executive Management Service member to a position in state government outside the Lottery, annual leave credits shall be paid for or transferred as requested by the employee unless prohibited by law. In the event that the receiving agency will not accept the transfer of any portion of the annual leave credits, the member shall be paid for the annual leave credits by the Lottery unless prohibited by law. The employee may elect to transfer a portion and be paid for a portion of the annual leave credits provided the receiving agency will accept such transfer. All annual leave credits accrued on the member's last anniversary date, which are unused as of the date of transfer to the other agency, shall be prorated and paid for or transferred at the rate of twenty (20) hours per month or portion thereof worked subsequent to the member's last anniversary date.

(6)(5) Members shall be paid for all unused annual leave upon termination from state government unless otherwise provided by law. Termination from state government shall mean that the person is not on any State of Florida payroll for at least thirty-one (31) calendar days following separation from the Executive Management Service. Payment shall be made at the member's base salary rate in effect at the time of termination.

(7)(6) Use of sick leave shall be authorized for the purposes stated in Chapter Rule 53-16, F.A.C. Sick leave can be accrued without limit and shall be subject to payment upon termination in accordance with Section 110.122, F.S.

(8)(7) Upon transfer of an Executive Management Service member to a position in the Lottery outside the Executive Management Service, all unused sick leave credits shall be transferred; provided, however, that all sick leave credits accrued on the member's last anniversary date shall be prorated and transferred at the rate of ten (10) hours per month or portion thereof worked subsequent to the member's last anniversary date.

(9)(8) Administrative leave, disability leave and maternity leave shall be granted and used in accordance with the provisions for Lottery employees as set forth in Chapter Rule 53-16, F.A.C. Military leave shall be granted and used in accordance with Section 250.48 or Chapter 115, F.S., as well as Chapter Rule 53-16, F.A.C., as applicable.

(10)(9) Upon appointment to an Executive Management Service position of a person coming from a position in state government outside the Executive Management Service, any leave accrued and unused by the person in the prior position shall be subject to the following:

(a) Special compensatory leave credits shall not be transferred;

(b) Regular compensatory leave shall not be transferred into the Executive Management Service;

(c) Unused annual leave not paid for shall be credited to the member's account;

(d) Unused sick leave not paid for shall be retained and credited to the member's account.

(11)(10) A person shall be credited with up to four hundred eighty (480) hours of unused sick leave which was accrued while employed by a county or other political subdivision in Florida, provided there has been no break in service.

(12)(11) The Secretary is authorized to approve a leave of absence without pay for up to one (1) year. In determining whether to grant or extend a leave of absence without pay pursuant to this Rule, the Secretary shall consider the Lottery's personnel requirements as well as the employee's need for the requested leave. Such leave shall not be granted or extended if to do so would be detrimental to the operations of the Lottery.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 2-25-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Surveyors and Mappers

RULE TITLES:	RULE NOS.:
Definitions	61G17-6.002
General Survey, Map, and	
Report Requirements	61G17-6.003
Specific Survey, Map, and	
Report Requirements	61G17-6.004

PURPOSE AND EFFECT: To update the definitions of terminology used by Professional Surveyors and Mappers. Also, to update the Minimum Technical Standards for General Survey, Map, and Report Requirements. Also, to update the Minimum Technical Standards for Specific Survey, Map, and Report requirements.

SUMMARY: The proposed rule changes reorganize and update surveying and mapping minimum technical standards to meet current standards of practice. The reorganization of the minimum technical standards is needed to make it easier for surveyors and mappers to find and apply minimum technical standards in their practice. The minimum technical standards must be updated to incorporate new technologies to reflect current standards of practice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 472.008, 472.015, 472.027 FS.

LAW IMPLEMENTED: 472.015, 472.025, 472.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-6.002 follows. See Florida Administrative Code for present text.)

61G17-6.002 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Benchmark: a relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below an adopted datum plane is known.

(2) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.

(3) Geodetic: a survey or mapping process that takes into account the curvature of the earth and astronomic observations, and which results in positions expressed on a recognized datum.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey,

Plat of Survey, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(5) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.

(6) Ortho-Images/Photos: an image from which distortions due to tilt and ground relief have been removed.

(7) Photogrammetric Methods: a means of surveying and mapping that involves: making precise measurements from a combination of ground control, photographs and other sources of imagery, to document, within pre-ordained accuracies, the existence, the identity, the location and the size of selected features.

(8) Raster Images: a matrix of pixels whose values represent the level of energy reflected or emitted by the surface being photographed, scanned, or otherwise sensed. Each pixel contains an attribute value and a coordinate value in a recognized coordinate system.

(9) Reference Point: any defined position that is or can be established in relation to another defined position.

(10) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; defined as follows according to the type of data obtained, the methods used, and the purpose(s) to be served:

(a) As-Built Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as a Record Survey.

(b) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(c) Condominium Survey: a survey performed pursuant to Chapter 718, Florida Statutes; includes a Boundary Survey.

(d) Construction Layout Survey: the measurements made, prior to or while construction is in progress, to control elevation, configuration, and horizontal position and dimensions.

(e) Control Survey: a survey which provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(f) Hydrographic Survey: a survey having as its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data: depth of water and

configuration of bottom; directions and force of current; heights and times of water stages; and location of fixed objects for survey and navigation purposes.

(g) Mean High Water Line Survey: a survey to document the mean high water line as defined in Part II, Chapter 177, Florida Statutes.

(h) Quantity Survey: a survey to obtain measurements of quantity.

(i) Record Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

(j) Specific or Special Purpose Survey: a survey performed for a purpose other than the purposes detailed in paragraphs (8)(a)-(i) or (k) of this rule.

(k) Topographic Survey: a survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

(11) Survey Report: a written document, sometimes referred to as "a report" or "the report," detailing methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques.

(12) Surveying and Mapping: a process of direct measurement and analysis specifically designed to document the existence, the identity, the location, and the dimension or size of natural or artificial features on land or in the air, space or water for the purpose of producing accurate and reliable maps, suitable for visualization when needed, of such documentation.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, 3-13-03, \_\_\_\_\_.

(Substantial rewording of Rule 61G17-6.003 follows. See Florida Administrative Code for present text.)

61G17-6.003 General Survey, Map, and Report Requirement.

(1) REGULATORY OBJECTIVE: The public must be able to rely on the accuracy of measurements and maps produced by a surveyor and mapper. In meeting this objective, surveyors and mappers must achieve the following minimum standards of accuracy, completeness, and quality:

(a) The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. All measurements must be in accordance with the United States standard, using either feet or meters.

(b) Records of these measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.

(c) Measurement and computation records must be dated and must contain sufficient data to substantiate the survey map and insure that the accuracy portion of these standards has been met.

(2) Other More Stringent Requirements:

(a) When more stringent survey standards other than those set forth in this chapter are required by federal, state, or local governmental agencies, the survey shall also comply with those standards.

(b) When more stringent survey standards or requirements other than those set forth in this chapter are mandated by the client and agreed to by the surveyor and mapper, the survey shall also comply with those survey standards, providing said survey requirements are within the scope of the surveyor and mapper's expertise.

(3) Other Standards and/or Requirements that Apply to All Surveys, Maps, and/or Survey Products:

(a) REGULATORY OBJECTIVE: In order to avoid misuse of a survey and map, the surveyor and mapper must adequately communicate the survey results to the public through a map, report, or report with an attached map. Any survey map or report must identify the responsible surveyor and mapper and contain standard content. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) Each survey map and report shall state the type of survey it depicts consistent with the types of surveys defined in paragraphs 61G17-6.002(10)(a)-(k), F.A.C. The purpose of a survey, as set out in paragraphs 61G17-6.002(10)(a)-(k), F.A.C., dictates the type of survey to be performed and depicted, and a licensee may not avoid the minimum standards required by rule of a particular survey type merely by changing the name of the survey type to conform with what standards or lack of them the licensee chooses to follow.

(c) All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

(d) All survey maps must reflect a survey date, which is the date of data acquisition. When the graphics of a map are revised, but the survey date stays the same, the map must list dates for all revisions.

(e) The survey map and report and the copies of the survey map and report, except those with electronic signature and electronic seal, must contain a statement indicating that the survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

(f) If either the business entity or the individual licensee does not possess professional liability insurance, then the map, report, and/or survey must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

(g) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

(h) All computed data or plotted features shown on survey maps must be supported by accurate survey measurements unless clearly stated otherwise.

(i) Bearings, distances, coordinates, and elevations shown on a survey map shall be substantiated by survey measurements unless clearly stated otherwise.

(j) A reference to all bearings shown on a survey map or report must be clearly stated, i.e., whether to "True North"; "Grid North as established by the NOS"; "Assumed North based on a bearing for a well defined line, such as the center line of a road or right of way, etc."; "a Deed Call for a particular line"; or "the bearing of a particular line shown upon a plat." References to Magnetic North should be avoided except in the cases where a comparison is necessitated by a Deed Call. In all cases, the bearings used shall be referenced to some well-established and monumented line.

(k) A designated "north arrow" and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

(l) Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirement.

1. Acceptable abbreviations on the face of survey maps are:

N = North

S = South

E = East

W = West

or any combination such as NE, SW, etc.

° = Degrees

' = Minutes when used in a bearing

" = Seconds when used in a bearing

' = Feet when used in a distance

" = Inches when used in a distance

AC = Acres

+/- = More or less (or Plus or Minus)

metric notation

2. Any other abbreviations relating to survey matters must be clearly shown within a legend or notes appearing on the face of the map or report.

(m) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the map or report.

(n) The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report and the signing surveyor and mapper shall include in the map or report an assessment of the quality and accuracy of all mapped features delivered.

(o) Report Items:

1. Report items are information, as required by other parts of this rule, such as: abbreviations, legends, accuracy statements, feature lists, datums used, and things done or not done as part of the survey and mapping process. In addition, the map or report shall contain other items necessary for an adequate communication of survey methods and results as judged by the surveyor and mapper such as: data sources, measurement methods, history and lineage of data, and limitations pertaining to the information presented.

2. Text Report items shall be displayed either through notes on the map, report, or in a text report delivered with the map. When the report is produced as a text document and a map is attached, the report shall be signed and sealed. When the map is delivered in digital form only, then a report is required. An attached map must clearly reference the report by title, date and subject; and the report must likewise clearly refer to the map by title, date, and subject. Statements must be made on the map and in the report that neither is full and complete without the other.

(p) Map Accuracy. The expected accuracies of features shown on a survey map must be stated.

1. Vertical Feature Accuracy:

a. All surveys performed showing vertical data shall have a vertical positional accuracy statement. That statement shall be to the effect of: "Elevations and/or contours shown hereon have been measured to an estimated vertical positional accuracy of: \_\_\_\_\_ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. When contour lines are shown, then sufficient data must be obtained in order to insure that 90% of test elevations taken, when compared to map contours, are within stated positional accuracy.

c. Vertical Control: Field-measured control for elevation information shown upon survey maps or reports shall be based on a level loop or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus .05 ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.

2. Horizontal Feature Accuracy:

a. A survey and map's horizontal positional accuracy must be stated. The stated accuracy is a plus or minus tolerance that encompasses 90% of coordinate differences between map displayed values and ground truth. All survey maps or reports shall have a statement of the effect: "Well-identified features in this survey and map have been measured to an estimated horizontal positional accuracy of \_\_\_\_ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. Horizontal Control: All surveys and maps or reports expressing or displaying features in a publically published coordinate system shall indicate the coordinate datum and a description of the control points upon which the survey is based. Minor coordinate data may be obtained and used on an assumed datum provided the numerical basis of the datum is obviously different than a publically published datum.

c. The accuracy of control survey data shall be verified by redundant measurements or traverse closures. All control measurements shall achieve the following closures:

Commercial/High Risk Linear: 1 foot in 10,000 feet;

Suburban: Linear: 1 foot in 7,500 feet;

Rural: Linear: 1 foot in 5,000 feet;

d. When statistical procedures are used to calculate survey accuracies, the maximum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in sub-subparagraph 61G17-6.003(3)(p)2.c., F.A.C.

(q) Map Plotting Accuracy: The horizontal position of physical features surveyed by field methods must be plotted to within 1/20 of an inch at the map scale.

(r) Intended Display Scale: At the maximum intended display scale, a survey and map's positional accuracy value occupies 1/20" on the display. All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/\_\_\_\_ or smaller".

Specific Authority 472.008, 472.015, 472.027 FS. Law Implemented 472.015, 472.025, 472.027 FS. History--New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99,\_\_\_\_\_.

(Substantial rewording of Rule 61G17-6.004 follows. See Florida Administrative Code for present text.)

61G17-6.004 Specific Survey, Map, and Report Requirements.

(1) As-Built/Record Survey:

(a) When performing as-built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements so that the constructed facility can be delineated in such a way that the location of the construction may be compared with the construction plans.

(b) When the surveyor and mapper prepares as-built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey.

(c) All maps prepared shall meet applicable minimum technical standards.

(d) The vertical and horizontal accuracy of the measurements made shall be such that it may be determined whether the improvements were constructed consistent with planned locations.

(2) Boundary Survey, Map, and Report:

(a) Boundaries of Real Property.

1. REGULATORY OBJECTIVE: The public must have confidence that boundaries of real property are located on the ground in an adequate and defensible manner. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.

3. All boundary surveys shall result in a map.

4. Any discrepancies between the survey map and the real property description must be shown.

5. All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

6. Curved lines with circular curves shall show the radii, arc distances and central angles, or radii, arc distances, chord distances and chord bearings.

7. When intersecting lines are non-radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

8. Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the following upon the map:

a. The lot(s) and block numbers or other designations, including those of adjoining lots.

b. A comparison between recorded directions and distances with field measured directions and distances when they vary.

c. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

d. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.

9. Surveys of parcels described by metes and bounds shall show the following upon the map:

a. The relationship of the parcel(s) to at least one established identifiable real property corner;

b. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;

c. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;

d. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

(b) Boundary Monuments:

1. REGULATORY OBJECTIVE: In order to prevent boundary conflicts, the public must have assurance that the corners of accurately located real property boundaries as found by a survey are durably marked with survey monuments that may be identified on the ground with the aid of the survey map. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.

3. Every boundary monument set shall:

a. Be composed of a durable material;

b. Have a minimal length of 18 inches;

c. Have a minimum cross-section area of material of 0.2 square inches;

d. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;

e. Be detectable with conventional instruments for finding ferrous or magnetic objects.

f. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

4. All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set.

5. When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature.

6. For other irregular boundaries such as a river, lake, beach, marsh or stream, not identified as in subparagraph 61G17-6.004(2)(a)2., F.A.C. a dimensioned meander or survey line may be used. When a meander or survey line is used,

monuments shall be set at the meander or survey line's terminus points on real property boundary lines, and dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.

7. A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

8. Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

(c) Boundary Inconsistencies:

1. REGULATORY OBJECTIVE: In order to protect and enhance stability of property location and title, the public must have assurance that potential boundary inconsistencies are adequately researched and disclosed. A survey map should present the factual basis of potential boundary inconsistencies in a clear fashion. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:

a. Overlapping descriptions or hiatuses;

b. Excess or deficiency;

c. Conflicting boundary lines or monuments; or

d. Doubt as to the location on the ground of survey lines or property rights.

3. Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

4. All apparent physical use onto or from adjoining property must be indicated, with the extent of such use shown or noted upon the map.

5. In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

(d) Rights-of-Way, Easements, and Other Real Property Concerns:

1. REGULATORY OBJECTIVE: In order to provide assurance of the status of access and other real property rights, the public must be informed of the existence and location of rights-of-way and easements associated with property being surveyed. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. All recorded public and private rights of way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.

3. Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.

4. When streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.

5. When location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.

6. Human cemeteries and burial grounds located within the premises shall be located and shown upon the map when open and notorious, or when knowledge of their existence and location is furnished to the surveyor and mapper.

(e) Real Property Improvements:

1. REGULATORY OBJECTIVE: The public must be informed of the existence and location of pertinent real property improvements and their relation to the boundary of real property. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.

3. When fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.

4. Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing.

5. When a boundary survey updating a previous boundary survey is made by the same surveyor or survey firm for purpose of locating non-completed new improvements; then property corners need not be reset; however, when a boundary survey is updating a previous survey made by the same surveyor or survey firm and is performed for purpose of locating completed new improvements then property corners must be recovered or reset. When a boundary survey updates a previous boundary survey made by a different surveyor or survey firm for the purpose of locating either non-completed or completed new improvements, property corners must be recovered or reset.

(3) Construction Layout Survey:

(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in paragraph 61G17-6.003(3)(p), F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(b) Horizontal and Vertical Controls for Public and Private Construction Layout:

1. Section 472.003(3), Florida Statutes, provides an exemption from licensing for certain classes of individuals performing construction layout from boundary, horizontal and vertical controls that have been established by a licensed professional surveyor and mapper. This rule is designed to set out what constitutes horizontal and vertical controls.

a. Horizontal control monumentation for the purpose of this rule includes:

1. Points of Curve, Points of Tangency, Points of Tangent Intersections, Points on Line and Points on Curve.

2. Points of Intersection of other streets or roads.

3. Angle points or changes in direction.

b. Horizontal control monumentation for road center-lines, right-of-way lines, reference lines or base lines shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

c. Horizontal control monumentation for main utility lines (such as water, sewer, storm drainage, electric, telephone, television, gas, etc.) when not constructed within or along a road right-of-way control in accordance with sub-subparagraph 61G17-6.004(3)(b)1.b., F.A.C. shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

d. Horizontal control monumentation for buildings and/or primary constructions shall be at least:

1. Boundaries or

2. Control or base lines (minimum of 2 points) or

3. A minimum of a four-corner envelope for non-residential construction improvement layout.

e. Horizontal control monumentation required by plans as a control for horizontal location not included in sub-subparagraphs 61G17-6.004(3)(b)1.b.c., or d., F.A.C. shall meet the requirements of sub-subparagraph 61G17-6.004(3)(b)1.a., F.A.C.

(c) All construction requiring benchmarks shall have a minimum of two (2) existent or established benchmarks for vertical control.

(d) Vertical control for linear type construction sites such as roads and sewer lines shall have a maximum of 1,100 feet between existent or established benchmarks.

(e) Vertical control for acreage construction sites shall have two (2) existent or established benchmarks on the first ten (10) acres plus an additional benchmark for each additional ten (10) acres.

(f) The only required documentation for this type of survey product shall be field notes.

(4) Control Survey:

(a) Geodetic Control Surveys: When applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC-STD-007.3-1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the internet web site (<http://fgdc.er.usgs.gov>). No use of the terminology of these standards may be made without completely adopting and following all the standards in their entirety. When these standards are not employed, then a survey, map, or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(b) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of subsection 61G17-6.003(1), F.A.C.

(5) Descriptions/Sketch to Accompany Description:

(a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.

(b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

(6) Digital Data:

(a) When survey information is provided in digital form only, the surveyor and mapper shall provide a signed and sealed report as set forth in paragraph 61G17-6.003(3)(o), F.A.C.

(b) The digital file will reference the report and that the digital file is not full and complete without the report.

(7) Ortho-Images/Photos:

(a) The survey, map, and/or report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.

(b) Positional Accuracy: Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions of paragraph 61G17-6.003(3)(p), F.A.C.

(c) The Ortho-Image/Photo shall comply with the US Department of the Interior, US Geological Survey National Mapping Divisions, "National Mapping Program Technical Instructions Part 2 Specifications Standards for Digital Orthophotos."

(8) Quantity Survey:

(a) Quantity Surveys: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.

(9) Raster Imagery:

(a) REGULATORY OBJECTIVE: The public must be able to rely on surveys and maps presented in image form, digital or graphical, where coordinate positions of mapped features on a recognized coordinate system may be extracted from the image.

(b) The survey and report must contain a list of control points employed in geo-referencing the image along with the source of control positions used. The survey and report must contain a statement clearly stating that "This is not an orthoimage or orthophoto."

(c) Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions outlined in paragraph 61G17-6.003(3)(p), F.A.C.

(10) Subdivision Record Plat:

(a) This rule shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, Florida Statutes; however, this rule shall apply to any boundary survey performed during the preparation of the plat

(11) Specific Purpose Survey:

(a) Surveys which are performed for a purpose other than the purposes encompassed by the definitions in paragraphs 61G17-6.002(8)(a)-(i) or (k), F.A.C., shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in paragraphs 61G17-6.002(8)(a)-(j) or (k), F.A.C.

(b) Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.

(c) Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as Specific Purpose Surveys. Additionally, surveys performed for the purpose of monumenting official right-of-way lines may be performed as Specific Purpose Surveys.

(12) Topographic Survey:

(a) Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 61G17-6.003, F.A.C. A minimum of two site benchmarks on or near the survey shall be indicated upon the survey map.

(b) Topographic Features.



1. REGULATORY OBJECTIVE: The public must be able to rely on topographic information contained on a survey map and must be able to correctly interpret the intended map coverage.

2. Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. As with abbreviations, any symbols, line types, etc. shown on the survey map shall be explained/defined in a legend.

3. Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as "interpolated" or "estimated" through the use of notes and shall be depicted graphically clearly different from other surveyed features.

4. Scale of Map. The scale of the map that is selected when provided in hard copy shall be sufficient to accurately and clearly show the results of the survey.

5. Property Lines. Any depiction of property lines on a topographic map shall be accompanied with a statement as to the source of the property lines shown.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 2-20-96, Amended 5-25-99, 3-25-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Commission

RULE TITLE: License Fees and Examination Fees RULE NO.: 61J2-1.011

PURPOSE AND EFFECT: This purpose of this amendment is to give applicants the option of Fingerprint Card Processing or Electronic Fingerprint Processing.

SUMMARY: This rule sets out license fees and examination fees and is being amended to add the option of electronic fingerprint processing and to set out the fees for same.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) No change.

(2) The application fee for licensure shall be as follows:

(a) Initial application

Broker \$ 20.00

Sales Associate \$ 20.00

(b) 1. Fingerprint Card Processing Fee or \$ 47.00

2. Electronic Fingerprint Processing Fee \$ 61.00

(3) through (11)(b) No change.

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**DEPARTMENT OF HEALTH****Board of Medicine**

RULE TITLES:	RULE NOS.:
Definitions	64B8-31.001
Examination for Licensure	64B8-31.002
Application for Licensure and Licensure Requirements for Anesthesiologist Assistants	64B8-31.003
Requirements for Approval of Training Programs	64B8-31.004
Anesthesiologist Assistant Protocols and Performance	64B8-31.005
Financial Responsibility	64B8-31.006
Anesthesiologist Assistant Licensure Renewal and Reactivation	64B8-31.007
Notice of Noncompliance	64B8-31.008
Citation Authority	64B8-31.009
Fees Regarding Anesthesiologist Assistants	64B8-31.012

PURPOSE AND EFFECT: The proposed rules are intended to set forth the requirements for licensure as an anesthesiologist assistant.

SUMMARY: The proposed rule amendments implement recent legislation with regard to licensure of anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 458.3475 FS.

LAW IMPLEMENTED: 458.3475 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-31.001 Definitions.

(1) The term "Anesthesiologist Assistant" as herein used refers to a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

(2) The term "Approved Program" as herein used refers to a program for the education and training of anesthesiologist assistants approved by the Board of Medicine and the Board of Osteopathic Medicine.

(3) The term "direct supervision" as used herein means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.002 Examination for Licensure.

The Board hereby approves the examination administered through the National Commission on Certification of Anesthesiologist Assistants (NCCAA) as the proficiency examination required for licensure as an anesthesiologist assistant.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department on forms approved by Boards and provided by the Department.

(b) The application may not be used for more than one year from the date of original submission of the application and fee. Fees are found in Rule 64B8-31.012, F.A.C. After one year from the date that the original application and fee have been received in the Board office, a new application and fee shall be required from any applicant who desires licensure as an anesthesiologist assistant.

(c) All application information must be submitted no later than 15 days prior to the meeting at which the applicant desires his or her application to be considered.

(2) Requirements for Licensure.

(a) All applicants for licensure as an anesthesiologist assistant must submit an application as set forth in paragraph (1) above. The applicant must meet all of the requirements of Section 458.3475, F.S., and the applicant must submit two personalized and individualized letters of recommendation from anesthesiologists. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the faculty physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to the Board and must have been written no more than six months prior to the filing of the application for licensure.

(b) The applicant must have obtained a passing score on the examination administered through the NCCAA. The passing score shall be established by the NCCAA.

(c) The applicant must be certified in advanced cardiac life support.

(d) The applicant must submit notarized statements containing the following information:

1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) Demonstrate compliance with the financial responsibility pursuant to Section 456.048, F.S., and as outlined in Rule 64B8-31.006, F.A.C., below.

(3) Restrictions. For purposes of carrying out the provisions of Section 458.3475, F.S., every anesthesiologist assistant is prohibited from being supervised by any physician whose license to practice medicine is on probation.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.004 Requirements for Approval of Training Programs.

Anesthesiologist Assistant programs approved and recognized by the State of Florida must hold full accreditation or provisional (initial) accreditation from the Committee on Accreditation of Allied Health Education Programs (CAAHEP), or its successor.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.005 Anesthesiologist Assistant Protocols and Performance.

(1) Every anesthesiologist or group of anesthesiologists, upon entering into a supervisory relationship with an anesthesiologist assistant must file with the Board a written protocol, to include, at a minimum, the following:

(a) Name, address, and license number of the anesthesiologist assistant;

(b) Name, address, license number and federal Drug Enforcement Administration (DEA) number of each anesthesiologist who will supervise the anesthesiologist assistant;

(c) Address of the anesthesiologist assistant's primary practice location and any other locations where the assistant may practice;

(d) The date the protocol was developed and the dates of all revisions;

(e) The designation and signature of the primary supervising anesthesiologist;

(f) Signatures of the anesthesiologist assistant and all supervising anesthesiologists;

(g) The duties and functions of the anesthesiologist assistant;

(h) Conditions or procedures that require the personal provision of care by an anesthesiologist;

(i) The procedures to be followed in the event of an anesthetic emergency.

(2) The protocol must be on file with the Board prior to the time the anesthesiologist assistant begins practice with the anesthesiologist or the anesthesiology group.

(3) The protocol must be updated biennially.

(4) Anesthesiologist assistants may perform the following duties under the direct supervision of an anesthesiologist and as set forth in the protocol outlined in paragraph (1) above:

(a) Obtaining a comprehensive patient history and presenting the history to the supervising anesthesiologist;

(b) Pretesting and calibration of anesthesia delivery systems and monitoring, obtaining and interpreting information from the systems and monitors;

(c) Assisting the anesthesiologist with implementation of monitoring techniques;

(d) Establishing basic and advanced airway interventions, including intubations of the trachea and performing ventilatory support;

(e) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;

(f) Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

(g) Assisting the anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;

(h) Administering blood, blood products, and supportive fluids;

(i) Supporting life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.

(j) Recognizing and taking appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication or other forms of therapy;

(k) Participating in management of the patient while in the post-anesthesia recovery area, including the administration of supporting fluids; and

(l) Placing special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.

(5) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice.

(6) Continuity of Supervision in practice settings requires the anesthesiologist assistant to document in the anesthesia record any change in supervisor.

(7) All tasks and procedures performed by the anesthesiologist assistant must be documented in the appropriate medical record.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.006 Financial Responsibility.

Pursuant to Section 456.048, F.S., all anesthesiologist assistants shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for licensure shall submit proof of compliance with Section 456.048, F.S., or exemption to the Board office prior to licensure. All licensees

shall submit such proof as a condition of biennial renewal or reactivation. Acceptable proof of financial responsibility shall include:

(1) Professional liability coverage of at least \$100,000 per claim with a minimum annual aggregate of at least \$300,000 from an authorized insurer under Section 624.09, F.S., a surplus lines insurer under Section 626.914(2), F.S., a joint underwriting association under Section 627.351(4), F.S., a self-insurance plan under Section 627.357, F.S., or a risk retention group under Section 627.942, F.S.; or

(2) An unexpired irrevocable letter of credit as defined by Chapter 675, F.S., which is in the amount of at least \$100,000 per claim with a minimum aggregate availability of at least \$300,000 and which is payable to the anesthesiologist assistant as beneficiary. Any person claiming exemption from the financial responsibility law pursuant to Section 456.048(2), F.S., must timely document such exemption at initial certification, biennial renewal, and reactivation.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

##### (2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form approved by the Boards and provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II

American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) For all licensees one hour of Category I American Medical Association Continuing Medical Education, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennial.

(g) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B8-31.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B8-31.006, F.A.C.; and

(h) Pay the appropriate fees.

(4) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed anesthesiologist assistant or for reactivation must be made upon forms supplied by the Board, and incorporated in Rule 64B8-1.007, F.A.C.

(b) Renewal or reactivation application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(5) The renewal or reactivation fees are found in Rule 64B8-31.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 458.3475, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-31.007, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.3475 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.3475 FS. History—New

64B8-31.008 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance:

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of Chapter 458, F.S., as prohibited by Sections 458.3475 and 458.331(1)(x), F.S.:

1. Section 458.3475, F.S., which provides for criminal penalties for the practice as an anesthesiologist assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as an anesthesiologist assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Sections 456.073 and 456.035(1), F.S.

2. Failing to notify the board of a change of practice location, contrary to Sections 458.319(3) and 456.035(1), F.S.

Specific Authority 456.073(3), 458.309, 458.3475 FS. Law Implemented 456.073(3), 458.331, 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.009 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS

(a) CME violations.  
(Section 458.3475, F.S.)  
(Section 458.331(1)(g), (x), F.S.)  
(Section 456.072(1)(e), (s), F.S.)

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine.

1. Failure to document required HIV/AIDS CME.  
(Section 456.033, F.S.)

\$250 fine

2. Failure to document required domestic violence or end-of-life and palliative health care CME.  
(Section 456.031, F.S.)

\$250 fine

3. Failure to document required prevention of medical errors CME.  
(Section 456.013(7), F.S.)

\$250 fine

4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.

\$500 fine

5. Documentation of some, but not all, 40 hours of required CME for license renewal.

\$25 fine for each hour not documented

(b) Obtaining license renewal by negligent misrepresentation.  
(Section 458.3475, F.S.)

\$2500 fine

(c) Failure to document any of the 40 hours of required CME for license renewal.  
(Section 458.3475, F.S.)  
(Section 458.331(1)(x), F.S.)

\$2500 fine

(d) Practice on an inactive or delinquent license.  
(Section 456.036(1), F.S.)

(Section 458.327(1)(a), F.S.)  
(Section 458.3475, F.S.)  
(Section 458.331(1)(x), F.S.)

1. For a period of up to nine months.

\$100 for each month or part thereof.

2. For a period of nine months to twelve months. \$150 for each month or part thereof.

(e) Failure to notify Department of change of practice and/or mailing address. \$125 fine

(Section 456.035, F.S.)

(Section 458.319(3), F.S.)

(Section 458.331(1)(g), F.S.)

(Section 458.3475, F.S.)

(f) Failure of the anesthesiologist assistant to clearly identify that he/she is an anesthesiologist assistant. \$250 fine

(Section 458.3475, F.S.)

(Section 458.331(1)(g), F.S.)

(g) Failure to report to the Department of \$125 fine

addition/deletion/change of supervising

physician(s).

(Section 456.035, F.S.)

(Section 458.331(1)(g), F.S.)

(Section 458.3475, F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 458.309, 458.3475 FS. Law Implemented 456.077, 458.331, 458.3475 FS. History--New \_\_\_\_\_.

#### 64B8-31.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) The application fee for a person applying to be licensed as an anesthesiologist assistant shall be \$300.

(2) The initial licensure fee for an anesthesiologist assistant shall be \$500.

(3) The biennial renewal fee for an active or inactive anesthesiologist assistant licensed pursuant to Section 458.3475, F.S., shall be \$500. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(4) The reactivation fee for an inactive anesthesiologist assistant licensure pursuant to Section 458.3475, F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

(5) The duplicate licensure fee shall be \$25.00.

(6) Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100 upon application for either active or inactive status.

(7) The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5),(7), 458.309, 458.3475 FS. Law Implemented 456.036(5),(7), 458.3475 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 25, 2004

### **DEPARTMENT OF HEALTH**

#### **Board of Nursing**

RULE TITLE: RULE NO.:

Testing and Competency Evaluation 64B9-15.008

PURPOSE AND EFFECT: To provide that both the written and clinical examinations for certification as a certified nursing assistant must be passed within two years of each, and to delete the relative weight of the general areas of competency. The amendment also deletes the requirement that the clinical skills test include ability to measure height.

SUMMARY: To provide that both the written and clinical examinations for certification as a certified nursing assistant must be passed within two years of each, and to delete the relative weight of the general areas of competency. The amendment also deletes the requirement that the clinical skills test include ability to measure height.

SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COST: No Statement of Estimated Regulatory  
Cost was prepared.

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B9-15.008 Testing and Competency Evaluation.**

(1) The Certified Nursing Assistant Examination shall consist of the Written Exam and the Clinical Skills Test. Both the Written Exam and the Clinical Skills Test must be passed within a two-year period in order to achieve certification. Results on either the Written Exam or the Clinical Skills Test which are over two-years old are invalid and both the Written Exam and the Clinical Skills Test must be repeated.

(2) The general areas of competency ~~and relative weight~~ of the Written Exam are as follows:

- (a) Role of the Nursing Assistant (~~16-24%~~);
- (b) Promotion of Health and Safety (~~14-17%~~);
- (c) Promotion of Function and Health of Residents (~~20-26%~~);
- (d) Basic Nursing Skills (~~24-28%~~); and
- (e) Providing Specialized Care (~~14-19%~~).
- (3) No change.
- (4) through (d)1. No change.
- 2. Measure and Record ~~Height and~~ Weight; and
- 3. No change.
- (5) through (7) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 5-25-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Definitions	64B15-7.001
Examination for Licensure	64B15-7.002
Application for Licensure and Licensure Requirements for Anesthesiologist Assistants	64B15-7.003
Requirements for Approval of Training Programs	64B15-7.004

Anesthesiologist Assistant Protocols and Performance	64B15-7.005
Financial Responsibility	64B15-7.006

Anesthesiologist Assistant Licensure Renewal and Reactivation	64B15-7.007
Notice of Noncompliance	64B15-7.008
Citation Authority	64B15-7.009
Fees Regarding Anesthesiologist Assistants	64B15-7.012

PURPOSE AND EFFECT: The proposed rules are intended to set forth the requirements for licensure as an anesthesiologist assistant.

SUMMARY: The proposed rule amendments implement recent legislation with regard to licensure of anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 459.023 FS.

LAW IMPLEMENTED: 459.023 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

**64B15-7.001 Definitions.**

(1) The term “Anesthesiologist Assistant” as herein used refers to a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

(2) The term “Approved Program” as herein used refers to a program for the education and training of anesthesiologist assistants approved by the Board of Medicine and the Board of Osteopathic Medicine.

(3) The term “Direct Supervision” as used herein means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New.



64B15-7.002 Examination for Licensure.

The Board hereby approves the examination administered through the National Commission on Certification of Anesthesiologist Assistants (NCCAA) as the proficiency examination required for licensure as an anesthesiologist assistant.

Specific Authority 459.005, 459.023 F.S. Law Implemented 459.023 F.S. History—New \_\_\_\_\_.

64B15-7.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department on forms approved by Boards and provided by the Department.

(b) The application may not be used for more than one year from the date of original submission of the application and fee. Fees are found in Rule 64B15-7.012, F.A.C. After one year from the date that the original application and fee have been received in the Board office, a new application and fee shall be required from any applicant who desires licensure as an anesthesiologist assistant.

(c) All application information must be submitted no later than 15 days prior to the meeting at which the applicant desires his or her application to be considered.

(2) Requirements for Licensure.

(a) All applicants for licensure as an anesthesiologist assistant must submit an application as set forth in paragraph (1) above. The applicant must meet all of the requirements of Section 459.023, F.S., and the applicant must submit two personalized and individualized letters of recommendation from anesthesiologists. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the faculty physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to the Board and must have been written no more than six months prior to the filing of the application for licensure.

(b) The applicant must have obtained a passing score on the examination administered through the NCCAA. The passing score shall be established by the NCCAA.

(c) The applicant must be certified in advanced cardiac life support.

(d) The applicant must submit notarized statements containing the following information:

1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of

clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) Demonstrate compliance with the financial responsibility pursuant to Section 456.048, F.S., and as outlined in Rule 64B15-7.006, F.A.C., below.

(3) Restrictions. For purposes of carrying out the provisions of Sections 458.3475 and 459.023, F.S., every anesthesiologist assistant is prohibited from being supervised by any physician whose license to practice medicine is on probation.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS.  
History—New \_\_\_\_\_.

#### 64B15-7.004 Requirements for Approval of Training Programs.

Anesthesiologist Assistant programs approved and recognized by the State of Florida must hold full accreditation or provisional (initial) accreditation from the Committee on Accreditation of Allied Health Education Programs (CAAHEP), or its successor.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS.  
History—New \_\_\_\_\_.

#### 64B15-7.005 Anesthesiologist Assistant Protocols and Performance.

(1) Every anesthesiologist or group of anesthesiologists, upon entering into a supervisory relationship with an anesthesiologist assistant must file with the Board a written protocol, to include, at a minimum, the following:

(a) Name, address, and license number of the anesthesiologist assistant;

(b) Name, address, license number and federal Drug Enforcement Administration (DEA) number of each anesthesiologist who will supervise the anesthesiologist assistant;

(c) Address of the anesthesiologist assistant's primary practice location and any other locations where the assistant may practice;

(d) The date the protocol was developed and the dates of all revisions;

(e) The designation and signature of the primary supervising anesthesiologist;

(f) Signatures of the anesthesiologist assistant and all supervising anesthesiologists;

(g) The duties and functions of the anesthesiologist assistant;

(h) Conditions or procedures that require the personal provision of care by an anesthesiologist;

(i) The procedures to be followed in the event of an anesthetic emergency.

(2) The protocol must be on file with the Board prior to the time the anesthesiologist assistant begins practice with the anesthesiologist or the anesthesiology group.

(3) The protocol must be updated biennially.

(4) Anesthesiologist assistants may perform the following duties under the direct supervision of an anesthesiologist and as set forth in the protocol outlined in paragraph (1) above:

(a) Obtaining a comprehensive patient history and presenting the history to the supervising anesthesiologist;

(b) Pretesting and calibration of anesthesia delivery systems and monitoring, obtaining and interpreting information from the systems and monitors;

(c) Assisting the anesthesiologist with implementation of monitoring techniques;

(d) Establishing basic and advanced airway interventions, including intubations of the trachea and performing ventilatory support;

(e) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;

(f) Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

(g) Assisting the anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;

(h) Administering blood, blood products, and supportive fluids;

(i) Supporting life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.

(j) Recognizing and taking appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication or other forms of therapy;

(k) Participating in management of the patient while in the post-anesthesia recovery area, including the administration of supporting fluids;

(l) Placing special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.

(5) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice.

(6) Continuity of Supervision in practice settings requires the anesthesiologist assistant to document in the anesthesia record any change in supervisor.

(7) All tasks and procedures performed by the anesthesiologist assistant must be documented in the appropriate medical record.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS.  
History—New \_\_\_\_\_.

#### 64B15-7.006 Financial Responsibility.

Pursuant to Section 456.048, F.S., all anesthesiologist assistants shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for licensure shall submit proof of compliance with Section 456.048, F.S., or exemption to the Board office prior to licensure. All licensees shall submit such proof as a condition of biennial renewal or reactivation. Acceptable proof of financial responsibility shall include:

(1) Professional liability coverage of at least \$100,000 per claim with a minimum annual aggregate of at least \$300,000 from an authorized insurer under Section 624.09, F.S., a surplus lines insurer under Section 626.914(2), F.S., a joint

underwriting association under Section 627.351(4), F.S., a self-insurance plan under Section 627.357, F.S., or a risk retention group under Section 627.942, F.S.; or

(2) An unexpired irrevocable letter of credit as defined by Chapter 675, F.S., which is in the amount of at least \$100,000 per claim with a minimum aggregate availability of at least \$300,000 and which is payable to the anesthesiologist assistant as beneficiary. Any person claiming exemption from the financial responsibility law pursuant to Section 456.048(2), F.S., must timely document such exemption at initial certification, biennial renewal, and reactivation.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

#### 64B15-7.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

##### (2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form approved by the Boards and provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable.

(e) For all licensees one hour of Category I American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A

continuing education related to the practice of osteopathic medicine or under osteopathic auspices, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.

(g) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-7.007(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B15-7.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B15-7.006; and

(h) Pay the appropriate fees.

(4) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed anesthesiologist assistant or for reactivation must be made upon forms supplied by the Board, and incorporated in Rule 64B15-9.007, F.A.C.

(b) Renewal or reactivation application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(5) The renewal or reactivation fees are found in Rule 64B15-7.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 459.023, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-7.007, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 459.005, 459.023 FS. Law Implemented 456.013, 456.031(1), 456.033, 459.023 FS. History—New \_\_\_\_\_.

64B15-7.008 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance:

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of Chapter 459, F.S., as prohibited by Sections 459.023 and 459.015(1)(bb), F.S.:

1. Section 459.023, F.S., which provides for criminal penalties for the practice as an anesthesiologist assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as an anesthesiologist assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Sections 456.073 and 456.035(1), F.S.

2. Failing to notify the board of a change of practice location, contrary to Section 456.035(1), F.S.

Specific Authority 456.073(3), 459.023 FS. Law Implemented 456.073(3), 459.023 FS. History—New \_\_\_\_\_.

64B15-7.009 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

<u>VIOLATIONS</u>	<u>PENALTY</u>
(a) CME violations. (Section 459.023, F.S.) (Section 459.015(1)(g), (x), F.S.) (Section 456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine.
1. Failure to document required HIV/AIDS CME. (Section 456.033, F.S.)	\$250 fine
2. Failure to document required domestic violence or end-of-life and palliative health care CME. (Section 456.031, F.S.)	\$250 fine
3. Failure to document required prevention of medical errors CME. (Section 456.013(7), F.S.)	\$250 fine
4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.	\$500 fine
5. Documentation of some, but not all, 40 hours of required CME for license renewal.	\$25 fine for each hour not documented
(b) Obtaining license renewal by negligent misrepresentation. (Section 459.023, F.S.)(Section 459.015(1)(a), F.S.)	\$2500 fine
(c) Failure to document any of the 40 hours of required CME for license renewal. (Section 459.023, F.S.) (Section 459.015(1)(x), F.S.)	\$2500 fine

(d) Practice on an inactive or delinquent license.

(Section 456.036(1), F.S.)

(Section 459.013(1)(a), F.S.)

(Section 459.023, F.S.)

(Section 459.015(1)(x), F.S.)

1. For a period of up to nine months.

\$100 for each month or part thereof.

2. For a period of nine months to twelve months.

\$150 for each month or part thereof.

(e) Failure to notify Department of change of practice and/or mailing address.

\$125 fine

(Section 456.035, F.S.)

(Section 459.018(3), F.S.)

(Section 459.015(1)(g), F.S.)

(Section 459.023, F.S.)

(f) Failure of the anesthesiologist assistant to clearly identify that he/she is an anesthesiologist assistant.

\$250 fine

(Section 459.023, F.S.)

(Section 459.015(1)(g), F.S.)

(g) Failure to report to the Department of addition/deletion/change of supervising physician(s).

\$125 fine

(Section 456.035, F.S.)

(Section 459.015(1)(g), F.S.)

(Section 459.023, F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 459.005, 459.023 FS. Law Implemented 456.077, 459.023 FS. History—New \_\_\_\_\_.

64B15-7.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) The application fee for a person applying to be licensed as an anesthesiologist assistant shall be \$300.

(2) The initial licensure fee for an anesthesiologist assistant shall be \$500.

(3) The biennial renewal fee for an active or inactive anesthesiologist assistant licensed pursuant to Section 458.3475 or 459.023, F.S., shall be \$500. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(4) The reactivation fee for an inactive anesthesiologist assistant licensure pursuant to Section 458.3475 or 459.023, F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

(5) The duplicate licensure fee shall be \$25.00.

(6) Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100 upon application for either active or inactive status.

(7) The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5),(7), 458.309, 458.3475, 459.005, 459.023 FS. Law Implemented 456.036(5),(7), 458.3475, 459.023 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 28, 2004

**DEPARTMENT OF HEALTH****Board of Pharmacy**

RULE TITLES: RULE NOS.:

Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal	64B16-26.103
Standards for Approval of Continuing Education Providers and Courses	64B16-26.601
Standards for Approval of HIV/AIDS and Medication Errors Courses	64B16-26.6011

PURPOSE AND EFFECT: The Board proposes the rule amendments to update and to consolidate continuing education requirements for pharmacist license renewal into Rule Chapter 64B16-26, F.A.C.. The proposed amendments also update and consolidate the requirements for the standards for approval of general continuing education courses and HIV/AIDS and medication errors courses.

SUMMARY: The proposed rule amendments address pharmacists, consultant pharmacists and nuclear pharmacists continuing education requirements for renewal of license. The amendments also address the requirements and standards for providers of continuing education credits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7),(9), 456.033, 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

(1) Prior to renewal, a licensee shall complete no ~~No~~ biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not less than 30 hours of approved courses of continued professional pharmaceutical education within the 24 month period prior to the expiration date of the license. The following conditions shall apply:

(a)(2) The initial renewal of a license will not require completion ~~submittal~~ of courses of continued professional pharmaceutical education hours if the license was issued less than 12 months prior to the expiration date of the license ~~in so long as the initial renewal occurs within one (1) calendar year of the initial licensure.~~ If the initial renewal occurs 12 months or more than one (1) calendar year after the initial licensure, then ~~submittal~~ of 15 hours of continued professional pharmaceutical education hours shall be completed prior to the renewal of the license but no earlier than the date of initial licensure will be required with the initial biennial renewal.

(b)(3) Prior to renewal, a licensee must complete, within the 24 month period prior to the expiration date of the license, ~~No~~ biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a one-hour continuing education ~~EE~~ course approved in advance by the Board on HIV/AIDS

that covers the topics contained in Rule 64B16-26.6011, F.A.C. In lieu of completing an HIV/AIDS course, the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium. The course shall be not less than 1 contact hour and must contain these components:

- (a) Education on the modes of transmission.
- (b) Infection control procedures.
- (c) Clinical management.
- (d) Prevention of HIV and AIDS.

(e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, F.S. Notwithstanding the provisions of subsection (2), proof of completion must be returned when submitting the biennial renewal fee.

Hours obtained pursuant to this section subsection (3) may be applied by the licensee to the requirements of subsection (1).

(c)(4) Prior to renewal a licensee must complete, within the 24 month period prior to the expiration date of the license, No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a two-hour continuing education CE course approved in advance by the Board or the Accreditation American Council for Pharmacy on Pharmaceutical Education (ACPE) on medication errors that covers the topics set forth in Rule 64B16-26.6011, F.A.C. The course shall be not less than 2 hours and must contain the following components:

- (a) Root cause analysis.
- (b) Error reduction and prevention.
- (c) Patient safety.

Hours obtained pursuant to this section subsection (4) may be applied by the licensee to the requirements of subsection (1).

(5) In lieu of completing an HIV/AIDS course as required in subsection (3), the applicant may complete a course in end of life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.

(d)(6) Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

- 1.(a) The licensee must sign in with the Executive Director or designee of the Board before the meeting day begins.
- 2.(b) The licensee must remain in continuous attendance.

3. The licensee cannot receive continuing education for attendance at a board meeting if required to appear before the board.

(e) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.

4. The maximum continuing education CE hours allowable per biennium under this paragraph shall be ten (10).

(e)(7) A member of the Board of Pharmacy, or a previous member serving on a probable cause panel, may obtain five (5) hours of continuing education in the subject area of risk management for attendance at one Board meeting at which disciplinary hearings are conducted, or on one probable cause panel meeting. The maximum continuing education CE hours allowable per biennium under this paragraph shall be ten (10).

(f) Up to five hours per biennium of continuing education credit may be fulfilled by the performance of volunteer services to the indigent as provided in Section 456.013(9), Florida Statutes, or to underserved populations, or in areas of critical need within the state where the licensee practices. In order to receive credit, the licensee must make application to and receive approval in advance from the Board. One hour credit shall be given for each two hours worked in the 24 months prior to the expiration date of the license. In the application for approval, the licensee shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be serviced, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts. A licensee who is completing community service as a condition of discipline imposed by the board cannot use such service to complete continuing education requirements.

(g) Continuing education credit shall be granted for completion of post professional degree programs provided by accredited colleges or schools of pharmacy. Credit shall be awarded at the rate of 5 hours of continuing education credit per semester hour completed within the 24 months prior to the expiration date of the license.

(h) Continuing education may consist of post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other educational opportunities which advance the practice of the profession of pharmacy if approved by the Board. A course shall be approved prior to completion.

(i)(8) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed by

the Department of Health pursuant to Chapter 465, F.S., shall receive five (5) hours of credit in the area of risk management for each case reviewed in the 24 months prior to the expiration date of the license, up to a maximum of ten (10) hours per biennium.

(j) At least ten (10) of the required 30 hours must be obtained either at a live seminar, a live video teleconference, or through an interactive computer-based application.

(k) All programs approved by the ACPE for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists. Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.

(l) General continuing education earned by a non-resident pharmacist in another state that is not ACPE approved, but is approved by the board of pharmacy in the state of residence can be applied to meet the requirements of license renewal in subsection (1) above.

(2)(a) Prior to renewal a consultant pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule 64B16-26.302, F.A.C., within the 24 month period prior to the expiration date of the consultant license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if consultant recertification hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) If the initial renewal of a consultant pharmacist license occurs less than 12 months after the initial licensure, then completion of consultant courses of continuing education hours will not be required.

(c) If the initial renewal of a consultant pharmacist license occurs 12 months or more after the initial licensure, then 12 hours of consultant continuing education hours must be completed prior to the renewal date of the license but no earlier than the date of initial licensure.

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule 64B16-26.303, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) If the initial renewal of a nuclear pharmacist license occurs less than 12 months after the initial licensure, then completion of courses of nuclear pharmacy continuing education hours will not be required.

(c) If the initial renewal of a nuclear pharmacist license occurs 12 months or more after the initial licensure, then 12 hours of nuclear pharmacy continuing education hours must be completed prior to the renewal date of the license but no earlier than the date of initial licensure.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7),(9), 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, \_\_\_\_\_.

64B16-26.601 Standards for Approval of Continuing Education Providers and Courses and Providers.

(1) Definitions.

(a) "General continuing education" means a continuing education that is not special continuing education.

(b) "Special continuing education" means a course that meets the requirements for:

1. HIV/AIDS course for initial or renewal pharmacist license;

2. Consultant course for initial licensure;

3. Consultant pharmacist license renewal course; or

4. Nuclear pharmacist license renewal course.

(2) The Board may approve continuing education in one of three manners:

(a) A provider of continuing education may be approved by the Tripartite Continuing Education Committee.

(b) A course may be approved by the Tripartite Continuing Education Committee.

(c) A provider of continuing education may be approved by the Accreditation Council for Pharmacy Education (ACPE).

(3) Approved courses.

(a) A general continuing education course offered by an approved provider.

(b) A general continuing education course offered by an ACPE approved provider.

(c) Special continuing education if pre-approved by the Tripartite Continuing Education Committee.

(d) An individual course if pre-approved by the Tripartite Continuing Education Committee.

(4) Board approved provider.

(a) A continuing education provider may be approved if the following are filed with the Board office.

1. A Board of Pharmacy Provider Approval Application, form DOH/MQA/PH109 (Rev. \_\_\_\_), Board of Pharmacy Provider Approval Application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254;

2. The application fee set forth in Rule 64B16-26.1001, F.A.C.;

3. All information required in the application.



4. Any additional information requested by the Tripartite Continuing Education Committee.

(b) The provider shall designate a person to ensure visible, continuous, and identifiable authority charged with the administration of a continuing education course. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the Tripartite Continuing Education Committee.

(c) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by a Board approved provider.

1. The Tripartite Continuing Education Committee shall audit a provider at least once prior to renewing the approval of a provider.

2. A provider shall pass the audit in order to be approved for a subsequent renewal.

3. The Tripartite Continuing Education Committee may audit any or all programs offered by a provider.

4. A provider shall comply with a request from the Tripartite Continuing Education Committee or from the Department within 30 days of the request.

(5) Board Approved Course.

(a) An application for approval of an individual course may be approved if:

1. A complete application is submitted on form DOH/MQA/PH111 (Rev. 4/26/02), Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated by reference, which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254;

2. The application is accompanied by a non-refundable fee of \$50 for each course submitted;

3. Four (4) copies of the application, submitted at least 45 days prior to the date that the course will be offered;

4. The application includes:

a. Four (4) copies of program announcement;

b. Number of hours and type of CE requested;

c. Goals and objectives of the program;

d. Four (4) copies of a resume or curriculum vitae of each speaker; and

e. Four (4) copies of the evaluation form to be used.

(6) Every continuing education course offered by an approved provider shall meet the standards for a continuing education course in paragraph (7), except that course offered by an ACPE provider shall comply with ACPE requirements.

(7) A course offered by an approved provider or an individual courses submitted for approval must meet the following criteria:

(a)(1) Each course Each proposal for program or course approval submitted by a qualified provider must contain a detailed outline of the content of said program or course on forms which will be provided by the Board of Pharmacy upon

request, and must build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee approved educational methods.

(2) All offerings must meet the following standards:

(b)(a) Education Content Development.

1. A continuing education course offerings shall involve advance planning that includes a statement of measurable educational goals and behavioral objectives.

2. A Continuing education course offerings shall be designed to reflect the educational needs of the pharmacist and build on the standards for practice and courses in the curricula of accredited colleges or schools of pharmacy.

3. Each continuing education course offering shall be designed to explore one subject or a group of closely related subjects or standards.

(c)(b) Methods of Delivery.

1. The method of delivery of a course shall be determined by giving appropriate consideration to such factors as educational content, objectives, and composition of the audience.

2. The method of delivery must encourage active participation and involvement on the part of the pharmacist.

(d)(c) Program Faculty Qualifications.

1. The program faculty for a particular continuing education course offering shall be competent in the subject matter and qualified by experience.

2. An appropriate number of program faculty for each activity shall be utilized.

3. There shall be adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases where the method of delivery requires technical or other special expertise.

(e)(d) Facilities.

1. The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the course offering.

(f)(e) Evaluation.

1. The provider must make provision for evaluation of the participants' attainment of the stated learner objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

2. The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess his/her achievement of personal objectives.

3. The provider shall ~~develop and~~ employ an evaluation mechanism that will assess the effectiveness of the learning experiences, instructional methods, facilities, and resources used for the offering.

~~(g)(f)~~ Contact Hour Criteria.

1. The number of contact hours or Continuing Education Units shall be determined by the provider in advance of the course offering subject to approval by the committee and awarded upon the successful completion of the entire planned education experience.

2. One contact hour shall consist of at least fifty (50) minutes.

~~(h)(g)~~ Record Keeping.

1. Records of individual courses offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education courses offerings as outlined in the rules.

2. An individual certificate of attendance shall be furnished to each participant by the provider and shall include:

a. Title of course;

b. Florida approved course number, Universal Program Number, or ACPE course number;

c. Date of course; and

d. Number of contact hours.

specifying title of offering, provider number, date of offering, and number of contact hours earned shall be furnished to each participant by the provider.

3. Records shall be maintained by the provider for a minimum of four (4) three (3) years.

(8) Approved provider status shall be valid until the end of the biennium unless renewed. An approved continuing education provider may renew their approved provider status upon submission of a new Board of Pharmacy Provider Approval application and the renewal fee specified in Rule 64B16-26.1012, F.A.C. unless the renewal is denied by the Tripartite Continuing Education Committee.

~~(3) Providers seeking board approval shall meet each of the standards outlined herein:~~

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules.~~

~~(b) There shall be a visible, continuous, and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.~~

~~(4) All programs approved by the American Council on Pharmaceutical Education (ACPE) for continuing education for pharmacists may be deemed approved by this Board for general continuing education hours for pharmacists.~~

~~(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider seeking to renew approved provider status shall pay a renewal fee of \$150.~~

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50 and provide information to demonstrate compliance with this rule.~~

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03, \_\_\_\_\_.

64B16-26.6011 Standards for Approval of HIV/AIDS and Medication Errors Courses.

(1) An HIV/AIDS course completed to meet the requirements for initial or renewal licensure must be board approved and include the following:

(a) Education of the modes of transmission.

(b) Infection control procedures.

(c) Clinical management.

(d) Prevention of HIV and AIDS.

(e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(2) A medication errors course completed as a condition of initial licensure or licensure renewal must be not less than two (2) hours and cover the following subject matter:

(a) Root cause analysis.

(b) Error reduction and prevention.

(c) Patient safety.

(3) A continuing education provider approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

(4) A continuing education provider, not previously approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and submit the individual course approval application fee specified in Rule 64B16-26.1001, F.A.C., for each course submitted for approval.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.027, 456.033, 465.009 History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 6-7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 28, 2004

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE TITLE: RULE NO.:

Licensure by Examination; 64B16-26.2032  
Internship Requirements

PURPOSE AND EFFECT: The Board proposes the new rule to update and to consolidate licensure examination requirements and internship requirements into Rule Chapter 64B16-26, F.A.C.

SUMMARY: The new rule sets forth the requirements for licensure by examination and the requirements for internship.

SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COST: No Statement of Estimated Regulatory  
Cost was prepared.

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

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.003(12), 465.007 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
THIS NOTICE, A HEARING WILL BE SCHEDULED AND  
ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Danna Droz, Executive Director,  
Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04,  
Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2032 Licensure by Examination; Internship Requirements.

(1) All internship experience for the purpose of qualifying for the examination pursuant to Section 465.007(1)(c), Florida Statutes, shall be obtained in a community pharmacy, institutional pharmacy or any Florida Board of Pharmacy approved pharmacy practice, which includes significant aspects of the practice of pharmacy as defined in Section 465.003(13), Florida Statutes.

(2) An internship program at an accredited college or school of pharmacy shall assure that community or institutional pharmacies utilized for the obtaining of internship experience meet the following minimum requirements:

(a) The pharmacy shall hold a current license or permit issued by the state in which they are operating and shall have available all necessary equipment for professional services, necessary reference works, in addition to the official standards and current professional journals.

(b) The pharmacy shall be operated at all times under the supervision of a pharmacist and shall be willing to train persons desiring to obtain professional experience.

(c) The pharmacy shall establish to the program's satisfaction that the pharmacy fills, compounds and dispenses a sufficient number, kind and variety of prescriptions during the course of a year so as to afford to an intern a broad experience in the filling, compounding and dispensing of prescription drugs.

(d) The pharmacy shall have a clear record as to observance of federal, state and municipal laws and ordinances covering any phase of activity in which it is engaged.

(e) No pharmacist may be responsible for the supervision of more than one intern at any one time.

(3) A program approved by the Florida Board of Pharmacy shall not be less than 1500 hours and all other programs shall be not less than 2080 hours.

(4) The program shall assure that all preceptors meet the following requirements:

(a) The pharmacist shall willingly accept the responsibility for professional guidance and training of the intern and be able to devote time to preceptor training sessions and to instruction of the intern.

(b) The pharmacist shall hold current licensure in the state in which pharmacy is practiced.

(c) The pharmacist shall be ineligible to serve as a preceptor during any period in which the pharmacist's license to practice pharmacy is revoked, suspended, on probation, or subject to payment of an unpaid fine levied by lawful Board order, or during any period in which the pharmacist's license is the subject of ongoing disciplinary proceedings.

(d) The pharmacist shall agree to assist the school or college of pharmacy in the achievement of the educational objectives set forth and to provide a professional environment for the training of the intern.

(e) Evidence shall be provided of the pharmacist's desire to continue broadening professional education and of an active involvement in a patient-oriented practice.

(5) In the event a program meets all the requirements set forth in subsection (2) of this rule, except for prior approval by the Florida Board of Pharmacy, any applicant submitting it for the purpose of qualifying for licensure by examination must show in addition to successful completion of the internship:

(a) Approval of the program by a state board of pharmacy; and

(b) Sufficient hours to total 2080 hours; or

(c) Licensure in another state and work performed as a pharmacist for a sufficient number of hours to total 2080 hours when combined with the internship hours.

(6) All internship hours may be obtained prior to the applicant's graduation.

(7) Proof of completion of an internship program shall consist of a certification that the applicant has completed the program. If additional hours are required to total 2080 hours pursuant to subsection (3) of this rule, satisfactory proof of the additional hours shall be constituted by the program's certification of completion of the additional hours.

(8) Hours worked in excess of 50 hours per week prior to the applicant's graduation or in excess of 60 hours per week after an applicant's graduation, will not be credited toward meeting the required internship hours.

(9) The Board approves all internships that are required to obtain the doctor of pharmacy degree from institutions which are accredited as provided by Section 465.007(1)(b)1., Florida Statutes. Applicants graduating after January 1, 2001 with the doctor of pharmacy degree from such institutions shall be deemed to have met the requirements of this section with documentation of graduation.

(10) The Board may conduct periodic review of programs to assure compliance with these rules.

(11) Proof of current licensure in another state and work as a pharmacist for up to 2080 hours may substitute for all or part of the internship requirement.

(12) Governmental and private radiopharmacy internship programs shall not apply to the pharmacy internship required under subsection (1) of this rule.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.007 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 6-7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 28, 2004

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE TITLE:

Pharmacy Permit Application; Community  
Pharmacy; Special Pharmacies;  
Internet Pharmacy

RULE NO.:

64B16-26.402

PURPOSE AND EFFECT: The Board proposes a new rule to update and to consolidate pharmacy permit application requirements and forms into Chapter 64B16-26, F.A.C.

SUMMARY: The new rule establishes the requirements and the application forms for community pharmacy permit, special pharmacy permit and internet pharmacy permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 465.005, 465.018, 465.0196 FS.

LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.402 Pharmacy Permit Application; Community Pharmacy; Special Pharmacies; Internet Pharmacy.

(1)(a) An applicant for a community pharmacy permit pursuant to Section 465.018, Florida Statutes, shall provide the Board of Pharmacy application on Form DOH/PH105, Rev. 1/29/03, effective 11/11/98, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, and the application fee.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee, the Department shall perform an inspection of the facility.

(2)(a) An application for a special pharmacy permit pursuant to Rules 64B16-28.810, 64B16-28.820, 64B16-28.830, 64B16-28.850, 64B16-28.860, and 64B16-28.870, F.A.C., shall provide the Board of Pharmacy with application on Form DOH/PH105, Rev. 7/23/98, effective 11/11/98, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin # C04, Tallahassee, FL 32399-3254, the application fee, and a Policy and Procedure Manual that sets forth a detailed description of the type of pharmacy services to be provided within the special pharmacy practice. The Policy and Procedure Manual shall contain detailed provisions for compliance with the provisions of Section 465.0196, Florida Statutes, and other applicable requirements contained in this chapter.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee:

1. The Policy and Procedure Manual shall be reviewed and is subject to approval by the Board of Pharmacy or its designee.

2. The Department shall perform an inspection of the facility.

(3) An applicant for an internet pharmacy permit pursuant to Section 465.0196, Florida Statutes, shall provide the Board of Pharmacy application on Form DH-MQA 1091, entitled "Application for Internet Pharmacy Permit," (10/04), which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and the application fee.

Specific Authority 465.005, 465.018, 465.0196 FS. Law Implemented 465.017, 465.018, 465.0196, 465.022 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6-7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

## DEPARTMENT OF HEALTH

### Optical Establishments

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B29-2.001
Citations	64B29-2.002
Mediation	64B29-2.003
Notice of Noncompliance	64B29-2.004

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUMMARY: The Department proposes to promulgate rules to establish the disciplinary guidelines for violations including citations, mediation and notice of noncompliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.695, 456.072, 456.077, 456.078, 456.079 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

### DISCIPLINE

#### 64B29-2.001 Disciplinary Guidelines.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.020, F.A.C., as the appropriate disciplinary guidelines to be imposed by the Department.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 484.014(4) FS. History-New

#### 64B29-2.002 Citations.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.021, F.A.C., as the citation provisions to be imposed by the Department.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.073, 456.077, 484.014 FS. History-New

#### 64B29-2.003 Mediation.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.022, F.A.C., as the offenses that may be resolved through mediation.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History-New

#### 64B29-2.004 Notice of Noncompliance.

Except for any inapplicable minor rule violations, the Department adopts the provisions in Rule 64B12-8.023, F.A.C., as the minor violations which shall result in a notice of noncompliance.

Specific Authority 120.695 FS. Law Implemented 456.073 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robin McKenzie, Program Operations Administrator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:  
 Indemnity Standard Risk Rate 69O-149.205

Preferred Provider/Exclusive Provider  
 Standard Risk Rates 69O-149.206

Health Maintenance Organization  
 Standard Risk Rates 69O-149.207

PURPOSE, EFFECT AND SUMMARY: Provisions of Section 627.6675, F.S., require that the Office annually conduct a survey and publish standard risk rates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 2:30 p.m., January 25, 2005

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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-149.205 Indemnity Standard Risk Rate.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female	County	Area Factor	
0-17	\$1,164.89	\$1,164.89	Alachua	0.76	
18	\$1,559.07	\$1,907.37	Baker	0.78	
19	\$1,559.07	\$1,907.37	Bay	0.73	
20	\$1,559.07	\$1,907.37	Bradford	0.82	
21	\$1,569.15	\$1,937.61	Brevard	1.00	
22	\$1,569.15	\$1,977.92	Broward	1.37	
23	\$1,579.22	\$2,018.23	Calhoun	0.75	
24	\$1,589.30	\$2,048.46	Charlotte	1.02	
25	\$1,599.38	\$2,078.69	Citrus	0.66	
26	\$1,695.39	\$2,190.67	Clay	0.82	
27	\$1,776.92	\$2,290.01	Collier	0.91	
28	\$1,844.93	\$2,397.17	Columbia	0.81	
29	\$1,912.08	\$2,502.39	Dade	1.43	
30	\$1,959.50	\$2,595.93	De Soto	0.74	
31	\$2,019.35	\$2,697.94	Dixie	0.77	
32	\$2,073.39	\$2,809.39	Duval	1.04	
33	\$2,123.26	\$2,909.78	Escambia	0.79	
34	\$2,180.63	\$3,019.94	Flagler	0.78	
35	\$2,220.52	\$3,130.64	Franklin	0.75	
36	\$2,260.40	\$3,222.13	Gadsden	0.75	
37	\$2,310.37	\$3,322.30	Gilchrist	0.75	
38	\$2,359.69	\$3,430.21	Glades	0.98	
39	\$2,436.05	\$3,545.52	Gulf	0.76	

40	<u>\$2,527.86</u>	<u>\$3,681.74</u>
41	<u>\$2,614.96</u>	<u>\$3,807.35</u>
42	<u>\$2,737.03</u>	<u>\$3,945.92</u>
43	<u>\$2,907.35</u>	<u>\$4,067.67</u>
44	<u>\$3,079.50</u>	<u>\$4,206.57</u>
45	<u>\$3,308.81</u>	<u>\$4,384.17</u>
46	<u>\$3,529.63</u>	<u>\$4,570.88</u>
47	<u>\$3,758.61</u>	<u>\$4,748.58</u>
48	<u>\$3,925.47</u>	<u>\$4,875.43</u>
49	<u>\$4,136.30</u>	<u>\$5,018.79</u>
50	<u>\$4,360.23</u>	<u>\$5,185.01</u>
51	<u>\$4,606.69</u>	<u>\$5,284.10</u>
52	<u>\$4,883.18</u>	<u>\$5,392.29</u>
53	<u>\$5,109.35</u>	<u>\$5,448.79</u>
54	<u>\$5,379.95</u>	<u>\$5,522.14</u>
55	<u>\$5,689.17</u>	<u>\$5,599.66</u>
56	<u>\$6,017.29</u>	<u>\$5,675.70</u>
57	<u>\$6,410.27</u>	<u>\$5,797.74</u>
58	<u>\$6,809.47</u>	<u>\$5,938.12</u>
59	<u>\$7,194.30</u>	<u>\$6,107.58</u>
60	<u>\$7,545.09</u>	<u>\$6,282.19</u>
61	<u>\$7,845.13</u>	<u>\$6,484.15</u>
62	<u>\$8,090.01</u>	<u>\$6,693.20</u>
63	<u>\$8,321.79</u>	<u>\$6,906.21</u>
64	<u>\$8,563.65</u>	<u>\$7,084.03</u>
65	<u>\$9,631.85</u>	<u>\$7,779.36</u>
66	<u>\$9,631.85</u>	<u>\$7,779.36</u>
67	<u>\$9,631.85</u>	<u>\$7,779.36</u>
68	<u>\$9,631.85</u>	<u>\$7,779.36</u>
69	<u>\$9,631.85</u>	<u>\$7,779.36</u>
70	<u>\$9,631.85</u>	<u>\$7,779.36</u>
71	<u>\$9,631.85</u>	<u>\$7,779.36</u>
72	<u>\$9,631.85</u>	<u>\$7,779.36</u>
73	<u>\$9,631.85</u>	<u>\$7,779.36</u>
74	<u>\$9,631.85</u>	<u>\$7,779.36</u>
75	<u>\$9,631.85</u>	<u>\$7,779.36</u>
76	<u>\$9,631.85</u>	<u>\$7,779.36</u>
77	<u>\$9,631.85</u>	<u>\$7,779.36</u>
78	<u>\$9,631.85</u>	<u>\$7,779.36</u>
79	<u>\$9,631.85</u>	<u>\$7,779.36</u>

Hamilton	<u>0.77</u>
Hardee	<u>0.80</u>
Hendry	<u>0.99</u>
Hernando	<u>0.83</u>
Highlands	<u>0.78</u>
Hillsborough	<u>0.91</u>
Holmes	<u>0.75</u>
Indian River	<u>1.00</u>
Jackson	<u>0.76</u>
Jefferson	<u>0.75</u>
Lafayette	<u>0.78</u>
Lake	<u>0.88</u>
Lee	<u>1.03</u>
Leon	<u>0.77</u>
Levy	<u>0.80</u>
Liberty	<u>0.75</u>
Madison	<u>0.79</u>
Manatee	<u>0.88</u>
Marion	<u>0.76</u>
Martin	<u>0.98</u>
Monroe	<u>1.45</u>
Nassau	<u>0.84</u>
Okaloosa	<u>0.70</u>
Okeechobee	<u>0.97</u>
Orange	<u>0.99</u>
Osceola	<u>0.92</u>
Palm Beach	<u>1.00</u>
Pasco	<u>0.86</u>
Pinellas	<u>0.89</u>
Polk	<u>0.85</u>
Putnam	<u>0.77</u>
St. Johns	<u>0.77</u>
St. Lucie	<u>0.99</u>
Santa Rosa	<u>0.77</u>
Sarasota	<u>0.76</u>
Seminole	<u>0.92</u>
Sumter	<u>0.81</u>
Suwannee	<u>0.82</u>
Taylor	<u>0.79</u>
Union	<u>0.79</u>
Volusia	<u>0.84</u>
Wakulla	<u>0.75</u>
Walton	<u>0.76</u>

0-17	\$1,266.15	\$1,266.15
18	\$1,719.19	\$2,196.00
19	\$1,721.47	\$2,198.74
20	\$1,724.23	\$2,202.18
21	\$1,731.84	\$2,220.28
22	\$1,734.57	\$2,243.62
23	\$1,741.24	\$2,263.68
24	\$1,747.74	\$2,284.27
25	\$1,758.92	\$2,349.09
26	\$1,806.02	\$2,413.91
27	\$1,853.13	\$2,478.74
28	\$1,900.25	\$2,543.97
29	\$1,964.29	\$2,643.07
30	\$2,028.34	\$2,742.14
31	\$2,092.41	\$2,841.23
32	\$2,156.45	\$2,940.30
33	\$2,207.42	\$3,034.11
34	\$2,256.48	\$3,133.23
35	\$2,319.20	\$3,244.55
36	\$2,381.90	\$3,355.84
37	\$2,433.44	\$3,454.20
38	\$2,499.13	\$3,543.64
39	\$2,586.74	\$3,642.55
40	\$2,698.49	\$3,782.24
41	\$2,810.26	\$3,882.10
42	\$2,922.04	\$3,982.10
43	\$3,053.08	\$4,086.79
44	\$3,201.99	\$4,208.78
45	\$3,413.02	\$4,376.18
46	\$3,624.06	\$4,543.56
47	\$3,788.19	\$4,666.94
48	\$3,950.06	\$4,776.86
49	\$4,136.04	\$4,893.91
50	\$4,416.14	\$5,062.39
51	\$4,696.25	\$5,230.87
52	\$4,937.96	\$5,350.56
53	\$5,169.11	\$5,452.33
54	\$5,439.57	\$5,560.40
55	\$5,797.85	\$5,699.74
56	\$6,156.11	\$5,839.05
57	\$6,451.20	\$5,948.78
58	\$6,730.73	\$6,082.63
59	\$6,987.58	\$6,210.21
60	\$7,262.98	\$6,424.12
61	\$7,538.37	\$6,638.00
62	\$7,813.76	\$6,797.50
63	\$7,939.87	\$6,909.15
64	\$8,065.98	\$7,047.33
65	\$8,267.64	\$7,223.52
66	\$8,474.32	\$7,404.11
67	\$8,686.18	\$7,589.21

Washington	0.76
Alachua	0.77
Baker	0.78
Bay	0.73
Bradford	0.82
Brevard	0.97
Broward	1.32
Calhoun	0.75
Charlotte	1.00
Citrus	0.70
Clay	0.82
Collier	0.91
Columbia	0.81
Dade	1.41
De Soto	0.74
Dixie	0.77
Duval	1.04
Escambia	0.79
Flagler	0.77
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.99
Hernando	0.82
Highlands	0.78
Hillsborough	0.91
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.88
Lee	0.99
Leon	0.77
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.84
Marion	0.77
Martin	0.98
Monroe	1.43
Nassau	0.84
Okaloosa	0.71
Okeechobee	0.97
Orange	0.97
Osceola	0.89
Palm Beach	1.00
Pasco	0.86



68	\$8,903.35	\$7,778.94
69	\$9,125.93	\$7,973.41
70	\$9,354.07	\$8,172.75
71	\$9,587.92	\$8,377.07
72	\$9,827.63	\$8,586.49
73	\$10,073.30	\$8,801.16
74	\$10,325.15	\$9,021.19
75	\$10,583.27	\$9,246.72
76	\$10,847.85	\$9,477.88
77	\$11,119.06	\$9,714.84
78	\$11,397.03	\$9,957.71
79	\$11,681.96	\$10,206.64

Pinellas	0.89
Polk	0.82
Putnam	0.77
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.84
Wakulla	0.75
Walton	0.76
Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04,\_\_\_\_\_.

69O-149.206 Preferred Provider/Exclusive Provider  
Standard Risk Rates.

(1) through (4) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female		County	Area Factor
<u>0-17</u>	<u>\$1,098.50</u>	<u>\$1,098.50</u>		<u>Alachua</u>	<u>0.76</u>
<u>18</u>	<u>\$1,455.79</u>	<u>\$1,886.07</u>		<u>Baker</u>	<u>0.78</u>
<u>19</u>	<u>\$1,465.42</u>	<u>\$1,890.88</u>		<u>Bay</u>	<u>0.73</u>
<u>20</u>	<u>\$1,467.83</u>	<u>\$1,898.10</u>		<u>Bradford</u>	<u>0.82</u>
<u>21</u>	<u>\$1,470.88</u>	<u>\$1,914.49</u>		<u>Brevard</u>	<u>1.00</u>
<u>22</u>	<u>\$1,473.29</u>	<u>\$1,931.51</u>		<u>Broward</u>	<u>1.37</u>
<u>23</u>	<u>\$1,476.34</u>	<u>\$1,948.54</u>		<u>Calhoun</u>	<u>0.75</u>
<u>24</u>	<u>\$1,481.80</u>	<u>\$1,960.11</u>		<u>Charlotte</u>	<u>1.02</u>
<u>25</u>	<u>\$1,484.85</u>	<u>\$1,974.08</u>		<u>Citrus</u>	<u>0.66</u>
<u>26</u>	<u>\$1,560.47</u>	<u>\$2,059.16</u>		<u>Clay</u>	<u>0.82</u>
<u>27</u>	<u>\$1,623.47</u>	<u>\$2,134.21</u>		<u>Collier</u>	<u>0.91</u>
<u>28</u>	<u>\$1,677.51</u>	<u>\$2,224.97</u>		<u>Columbia</u>	<u>0.81</u>
<u>29</u>	<u>\$1,726.10</u>	<u>\$2,306.00</u>		<u>Dade</u>	<u>1.43</u>
<u>30</u>	<u>\$1,794.43</u>	<u>\$2,388.51</u>		<u>De Soto</u>	<u>0.74</u>
<u>31</u>	<u>\$1,840.52</u>	<u>\$2,481.43</u>		<u>Dixie</u>	<u>0.77</u>
<u>32</u>	<u>\$1,886.57</u>	<u>\$2,578.12</u>		<u>Duval</u>	<u>1.04</u>
<u>33</u>	<u>\$1,933.79</u>	<u>\$2,675.83</u>		<u>Escambia</u>	<u>0.79</u>
<u>34</u>	<u>\$1,983.32</u>	<u>\$2,775.92</u>		<u>Flagler</u>	<u>0.78</u>
<u>35</u>	<u>\$2,021.71</u>	<u>\$2,887.95</u>		<u>Franklin</u>	<u>0.75</u>
<u>36</u>	<u>\$2,071.42</u>	<u>\$2,974.26</u>		<u>Gadsden</u>	<u>0.75</u>
<u>37</u>	<u>\$2,118.72</u>	<u>\$3,073.99</u>		<u>Gilchrist</u>	<u>0.75</u>
<u>38</u>	<u>\$2,170.63</u>	<u>\$3,180.38</u>		<u>Glades</u>	<u>0.98</u>

<u>39</u>	<u>\$2,242.39</u>	<u>\$3,293.68</u>
<u>40</u>	<u>\$2,326.31</u>	<u>\$3,410.71</u>
<u>41</u>	<u>\$2,421.08</u>	<u>\$3,521.35</u>
<u>42</u>	<u>\$2,533.94</u>	<u>\$3,646.60</u>
<u>43</u>	<u>\$2,679.95</u>	<u>\$3,767.36</u>
<u>44</u>	<u>\$2,836.49</u>	<u>\$3,894.76</u>
<u>45</u>	<u>\$3,020.05</u>	<u>\$4,033.02</u>
<u>46</u>	<u>\$3,200.78</u>	<u>\$4,168.36</u>
<u>47</u>	<u>\$3,385.89</u>	<u>\$4,304.95</u>
<u>48</u>	<u>\$3,535.67</u>	<u>\$4,397.47</u>
<u>49</u>	<u>\$3,703.90</u>	<u>\$4,507.69</u>
<u>50</u>	<u>\$3,895.50</u>	<u>\$4,622.03</u>
<u>51</u>	<u>\$4,113.80</u>	<u>\$4,720.67</u>
<u>52</u>	<u>\$4,351.37</u>	<u>\$4,824.44</u>
<u>53</u>	<u>\$4,559.22</u>	<u>\$4,885.09</u>
<u>54</u>	<u>\$4,797.64</u>	<u>\$4,968.85</u>
<u>55</u>	<u>\$5,071.46</u>	<u>\$5,067.42</u>
<u>56</u>	<u>\$5,367.92</u>	<u>\$5,152.63</u>
<u>57</u>	<u>\$5,697.94</u>	<u>\$5,274.77</u>
<u>58</u>	<u>\$6,014.42</u>	<u>\$5,403.45</u>
<u>59</u>	<u>\$6,334.79</u>	<u>\$5,575.36</u>
<u>60</u>	<u>\$6,594.99</u>	<u>\$5,725.20</u>
<u>61</u>	<u>\$6,825.01</u>	<u>\$5,916.24</u>
<u>62</u>	<u>\$6,980.17</u>	<u>\$6,088.45</u>
<u>63</u>	<u>\$7,243.83</u>	<u>\$6,282.56</u>
<u>64</u>	<u>\$7,517.45</u>	<u>\$6,530.77</u>
<u>65</u>	<u>\$7,801.41</u>	<u>\$6,788.78</u>
<u>66</u>	<u>\$8,096.09</u>	<u>\$7,056.98</u>
<u>67</u>	<u>\$8,528.34</u>	<u>\$7,335.78</u>
<u>68</u>	<u>\$8,755.62</u>	<u>\$7,657.20</u>
<u>69</u>	<u>\$9,052.17</u>	<u>\$7,827.01</u>
<u>70</u>	<u>\$9,443.92</u>	<u>\$8,034.59</u>
<u>71</u>	<u>\$9,973.31</u>	<u>\$8,288.84</u>
<u>72</u>	<u>\$10,697.42</u>	<u>\$8,604.99</u>
<u>73</u>	<u>\$11,710.60</u>	<u>\$8,994.69</u>
<u>74</u>	<u>\$13,173.24</u>	<u>\$9,503.20</u>
<u>75</u>	<u>\$15,326.69</u>	<u>\$10,168.73</u>
<u>76</u>	<u>\$15,394.11</u>	<u>\$10,233.74</u>
<u>77</u>	<u>\$15,463.94</u>	<u>\$10,296.34</u>
<u>78</u>	<u>\$15,497.65</u>	<u>\$10,354.13</u>
<u>79</u>	<u>\$15,531.36</u>	<u>\$10,414.33</u>

<u>Gulf</u>	<u>0.76</u>
<u>Hamilton</u>	<u>0.77</u>
<u>Hardee</u>	<u>0.80</u>
<u>Hendry</u>	<u>0.99</u>
<u>Hernando</u>	<u>0.83</u>
<u>Highlands</u>	<u>0.78</u>
<u>Hillsborough</u>	<u>0.91</u>
<u>Holmes</u>	<u>0.75</u>
<u>Indian River</u>	<u>1.00</u>
<u>Jackson</u>	<u>0.76</u>
<u>Jefferson</u>	<u>0.75</u>
<u>Lafayette</u>	<u>0.78</u>
<u>Lake</u>	<u>0.88</u>
<u>Lee</u>	<u>1.03</u>
<u>Leon</u>	<u>0.77</u>
<u>Levy</u>	<u>0.80</u>
<u>Liberty</u>	<u>0.75</u>
<u>Madison</u>	<u>0.79</u>
<u>Manatee</u>	<u>0.88</u>
<u>Marion</u>	<u>0.76</u>
<u>Martin</u>	<u>0.98</u>
<u>Monroe</u>	<u>1.45</u>
<u>Nassau</u>	<u>0.84</u>
<u>Okaloosa</u>	<u>0.70</u>
<u>Okeechobee</u>	<u>0.97</u>
<u>Orange</u>	<u>0.99</u>
<u>Osceola</u>	<u>0.92</u>
<u>Palm Beach</u>	<u>1.00</u>
<u>Pasco</u>	<u>0.86</u>
<u>Pinellas</u>	<u>0.89</u>
<u>Polk</u>	<u>0.85</u>
<u>Putnam</u>	<u>0.77</u>
<u>St. Johns</u>	<u>0.77</u>
<u>St. Lucie</u>	<u>0.99</u>
<u>Santa Rosa</u>	<u>0.77</u>
<u>Sarasota</u>	<u>0.76</u>
<u>Seminole</u>	<u>0.92</u>
<u>Sumter</u>	<u>0.81</u>
<u>Suwannee</u>	<u>0.82</u>
<u>Taylor</u>	<u>0.79</u>
<u>Union</u>	<u>0.79</u>

0-17	\$1,032.52	\$1,032.52
18	\$1,481.86	\$1,942.91
19	\$1,481.86	\$1,942.91
20	\$1,481.86	\$1,942.91
21	\$1,483.90	\$1,949.02
22	\$1,483.90	\$1,957.15
23	\$1,485.94	\$1,963.25
24	\$1,487.98	\$1,969.36
25	\$1,523.22	\$1,975.45
26	\$1,558.46	\$2,033.17
27	\$1,593.71	\$2,087.30
28	\$1,634.69	\$2,148.07
29	\$1,702.57	\$2,206.03
30	\$1,770.43	\$2,287.25
31	\$1,838.32	\$2,368.48
32	\$1,883.21	\$2,449.70
33	\$1,934.66	\$2,530.93
34	\$1,987.85	\$2,625.86
35	\$2,043.56	\$2,723.68
36	\$2,099.30	\$2,816.16
37	\$2,155.02	\$2,908.48
38	\$2,210.75	\$3,005.58
39	\$2,277.90	\$3,105.65
40	\$2,353.81	\$3,200.81
41	\$2,427.30	\$3,288.77
42	\$2,521.45	\$3,376.70
43	\$2,644.40	\$3,483.08
44	\$2,778.16	\$3,574.88
45	\$2,921.05	\$3,683.20
46	\$3,066.34	\$3,793.13
47	\$3,219.74	\$3,905.54
48	\$3,353.20	\$3,991.68
49	\$3,486.64	\$4,084.85
50	\$3,655.97	\$4,178.03
51	\$3,849.68	\$4,274.03
52	\$4,069.67	\$4,360.51
53	\$4,289.65	\$4,440.82
54	\$4,509.64	\$4,523.15
55	\$4,781.83	\$4,620.83
56	\$5,054.03	\$4,704.28
57	\$5,348.92	\$4,797.71
58	\$5,631.35	\$4,925.09
59	\$5,906.50	\$5,083.85
60	\$6,181.62	\$5,220.43
61	\$6,414.10	\$5,382.26
62	\$6,590.72	\$5,548.07
63	\$6,759.68	\$5,719.00

<u>Volusia</u>	<u>0.84</u>
<u>Wakulla</u>	<u>0.75</u>
<u>Walton</u>	<u>0.76</u>
<u>Washington</u>	<u>0.76</u>

Alachua	0.77
Baker	0.78
Bay	0.73
Bradford	0.82
Brevard	0.97
Broward	1.32
Calhoun	0.75
Charlotte	1.00
Citrus	0.70
Clay	0.82
Collier	0.91
Columbia	0.81
Dade	1.41
De Soto	0.74
Dixie	0.77
Duval	1.04
Escambia	0.79
Flagler	0.77
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.99
Hernando	0.82
Highlands	0.78
Hillsborough	0.91
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.88
Lee	0.99
Leon	0.77
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.84
Marion	0.77
Martin	0.98
Monroe	1.43
Nassau	0.84
Okaloosa	0.71
Okeechobee	0.97

64	\$6,928.56	\$5,862.35
65	\$7,094.69	\$6,005.70
66	\$7,272.06	\$6,149.04
67	\$7,453.86	\$6,302.77
68	\$7,640.21	\$6,460.33
69	\$7,831.21	\$6,621.85
70	\$8,026.99	\$6,787.39
71	\$8,227.67	\$6,957.08
72	\$8,433.35	\$7,131.00
73	\$8,644.20	\$7,309.28
74	\$8,860.30	\$7,492.01
75	\$9,081.80	\$7,679.32
76	\$9,308.86	\$7,871.30
77	\$9,541.57	\$8,068.08
78	\$9,780.11	\$8,269.78
79	\$10,024.61	\$8,476.52

Orange	0.97
Osceola	0.89
Palm Beach	1.00
Pasco	0.86
Pinellas	0.89
Polk	0.82
Putnam	0.77
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.84
Wakulla	0.75
Walton	0.76
Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04.

690-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female	County	Area Factor	
0	\$3,451.72	\$3,451.72	Alachua	1.05	
1	\$2,212.46	\$2,212.46	Baker	1.09	
2-6	\$2,176.70	\$2,176.70	Bay	0.90	
7-12	\$2,122.98	\$2,122.98	Bradford	1.05	
13-17	\$2,218.42	\$2,619.95	Brevard	0.97	
18	\$1,895.73	\$3,062.38	Broward	1.00	
19	\$1,920.06	\$3,228.35	Calhoun	0.90	
20	\$1,932.17	\$3,346.85	Charlotte	0.97	
21	\$1,956.56	\$3,462.92	Citrus	0.84	
22	\$1,968.72	\$3,569.12	Clay	1.09	
23	\$1,980.89	\$3,674.13	Collier	0.90	
24	\$2,049.11	\$3,753.66	Columbia	1.05	
25	\$2,064.98	\$3,821.99	Dade	1.00	
26	\$2,136.52	\$3,919.33	De Soto	0.90	
27	\$2,187.09	\$4,016.74	Dixie	1.05	
28	\$2,244.62	\$4,024.25	Duval	1.09	
29	\$2,294.78	\$4,031.53	Escambia	1.05	
30	\$2,370.18	\$4,037.15	Flagler	0.90	
31	\$2,397.62	\$4,034.37	Franklin	0.90	
32	\$2,441.90	\$4,032.90	Gadsden	0.90	
33	\$2,469.23	\$3,972.32	Gilchrist	1.05	

<u>34</u>	<u>\$2,513.54</u>	<u>\$3,928.87</u>
<u>35</u>	<u>\$2,553.10</u>	<u>\$3,868.04</u>
<u>36</u>	<u>\$2,615.56</u>	<u>\$3,868.18</u>
<u>37</u>	<u>\$2,681.15</u>	<u>\$3,811.61</u>
<u>38</u>	<u>\$2,745.32</u>	<u>\$3,809.31</u>
<u>39</u>	<u>\$2,810.09</u>	<u>\$3,822.23</u>
<u>40</u>	<u>\$2,860.07</u>	<u>\$3,819.69</u>
<u>41</u>	<u>\$2,916.86</u>	<u>\$3,862.62</u>
<u>42</u>	<u>\$2,989.44</u>	<u>\$3,892.63</u>
<u>43</u>	<u>\$3,068.06</u>	<u>\$3,984.24</u>
<u>44</u>	<u>\$3,145.48</u>	<u>\$4,044.76</u>
<u>45</u>	<u>\$3,249.37</u>	<u>\$4,116.91</u>
<u>46</u>	<u>\$3,380.30</u>	<u>\$4,206.55</u>
<u>47</u>	<u>\$3,522.17</u>	<u>\$4,298.38</u>
<u>48</u>	<u>\$3,690.53</u>	<u>\$4,386.08</u>
<u>49</u>	<u>\$3,853.58</u>	<u>\$4,473.81</u>
<u>50</u>	<u>\$4,054.76</u>	<u>\$4,602.07</u>
<u>51</u>	<u>\$4,278.23</u>	<u>\$4,735.87</u>
<u>52</u>	<u>\$4,529.06</u>	<u>\$4,851.42</u>
<u>53</u>	<u>\$4,789.66</u>	<u>\$4,983.02</u>
<u>54</u>	<u>\$5,079.59</u>	<u>\$5,108.16</u>
<u>55</u>	<u>\$5,399.19</u>	<u>\$5,212.64</u>
<u>56</u>	<u>\$5,670.07</u>	<u>\$5,300.66</u>
<u>57</u>	<u>\$5,984.20</u>	<u>\$5,426.13</u>
<u>58</u>	<u>\$6,332.81</u>	<u>\$5,631.51</u>
<u>59</u>	<u>\$6,727.59</u>	<u>\$5,864.35</u>
<u>60</u>	<u>\$7,127.05</u>	<u>\$6,111.53</u>
<u>61</u>	<u>\$7,447.11</u>	<u>\$6,422.11</u>
<u>62</u>	<u>\$7,762.85</u>	<u>\$6,722.34</u>
<u>63</u>	<u>\$8,177.03</u>	<u>\$7,106.08</u>
<u>64</u>	<u>\$8,570.10</u>	<u>\$7,461.91</u>
<u>65</u>	<u>\$10,083.93</u>	<u>\$8,871.98</u>
<u>66</u>	<u>\$10,183.66</u>	<u>\$8,946.83</u>
<u>67</u>	<u>\$10,288.39</u>	<u>\$9,025.43</u>
<u>68</u>	<u>\$10,398.35</u>	<u>\$9,107.96</u>
<u>69</u>	<u>\$10,513.81</u>	<u>\$9,194.61</u>
<u>70</u>	<u>\$10,635.04</u>	<u>\$9,285.60</u>
<u>71</u>	<u>\$10,762.33</u>	<u>\$9,381.13</u>
<u>72</u>	<u>\$10,895.99</u>	<u>\$9,481.45</u>
<u>73</u>	<u>\$11,036.33</u>	<u>\$9,586.78</u>
<u>74</u>	<u>\$11,183.68</u>	<u>\$9,697.37</u>
<u>75</u>	<u>\$11,338.41</u>	<u>\$9,813.50</u>
<u>76</u>	<u>\$11,500.87</u>	<u>\$9,935.43</u>

<u>Glades</u>	<u>0.90</u>
<u>Gulf</u>	<u>0.90</u>
<u>Hamilton</u>	<u>0.90</u>
<u>Hardee</u>	<u>0.84</u>
<u>Hendry</u>	<u>0.90</u>
<u>Hernando</u>	<u>1.05</u>
<u>Highlands</u>	<u>0.84</u>
<u>Hillsborough</u>	<u>1.00</u>
<u>Holmes</u>	<u>0.90</u>
<u>Indian River</u>	<u>0.90</u>
<u>Jackson</u>	<u>0.90</u>
<u>Jefferson</u>	<u>0.90</u>
<u>Lafayette</u>	<u>0.90</u>
<u>Lake</u>	<u>0.95</u>
<u>Lee</u>	<u>1.01</u>
<u>Leon</u>	<u>0.90</u>
<u>Levy</u>	<u>1.05</u>
<u>Liberty</u>	<u>0.90</u>
<u>Madison</u>	<u>0.90</u>
<u>Manatee</u>	<u>1.01</u>
<u>Marion</u>	<u>0.90</u>
<u>Martin</u>	<u>1.05</u>
<u>Monroe</u>	<u>0.90</u>
<u>Nassau</u>	<u>1.09</u>
<u>Okaloosa</u>	<u>0.95</u>
<u>Okeechobee</u>	<u>0.95</u>
<u>Orange</u>	<u>0.94</u>
<u>Osceola</u>	<u>0.98</u>
<u>Palm Beach</u>	<u>1.02</u>
<u>Pasco</u>	<u>1.02</u>
<u>Pinellas</u>	<u>1.00</u>
<u>Polk</u>	<u>1.05</u>
<u>Putnam</u>	<u>1.01</u>
<u>St. Johns</u>	<u>1.07</u>
<u>St. Lucie</u>	<u>0.95</u>
<u>Santa Rosa</u>	<u>1.05</u>
<u>Sarasota</u>	<u>1.03</u>
<u>Seminole</u>	<u>1.02</u>
<u>Sumter</u>	<u>1.02</u>
<u>Suwannee</u>	<u>0.90</u>
<u>Taylor</u>	<u>0.90</u>
<u>Union</u>	<u>0.90</u>
<u>Volusia</u>	<u>1.03</u>

<u>77</u>	<u>\$11,671.45</u>	<u>\$10,063.46</u>
<u>78</u>	<u>\$11,850.56</u>	<u>\$10,197.89</u>
<u>79</u>	<u>\$12,038.63</u>	<u>\$10,339.04</u>
0	\$2,885.42	\$2,885.42
1	\$1,825.97	\$1,825.97
2-6	\$1,807.05	\$1,807.05
7-12	\$1,776.78	\$1,776.78
13-17	\$1,829.76	\$2,045.46
18	\$1,799.47	\$2,164.78
19	\$1,769.17	\$2,284.10
20	\$1,738.88	\$2,403.42
21	\$1,708.59	\$2,522.74
22	\$1,714.28	\$2,647.74
23	\$1,719.97	\$2,772.72
24	\$1,725.65	\$2,897.72
25	\$1,758.87	\$3,022.72
26	\$1,792.10	\$3,101.25
27	\$1,834.94	\$3,172.10
28	\$1,888.84	\$3,211.93
29	\$1,936.00	\$3,242.92
30	\$2,003.33	\$3,275.83
31	\$2,041.80	\$3,308.74
32	\$2,090.69	\$3,331.72
33	\$2,134.26	\$3,331.79
34	\$2,183.66	\$3,336.09
35	\$2,227.08	\$3,339.82
36	\$2,279.71	\$3,361.49
37	\$2,338.98	\$3,383.16
38	\$2,384.56	\$3,409.62
39	\$2,454.32	\$3,445.53
40	\$2,507.42	\$3,502.09
41	\$2,601.67	\$3,558.65
42	\$2,701.25	\$3,615.21
43	\$2,814.87	\$3,671.78
44	\$2,922.14	\$3,728.33
45	\$3,049.01	\$3,784.90
46	\$3,198.65	\$3,868.92
47	\$3,361.38	\$3,953.82
48	\$3,536.72	\$4,037.96
49	\$3,709.00	\$4,117.64
50	\$3,911.92	\$4,232.24
51	\$4,116.65	\$4,346.84
52	\$4,347.57	\$4,461.43
53	\$4,574.91	\$4,576.03
54	\$4,821.67	\$4,715.87
55	\$5,089.34	\$4,855.71
56	\$5,335.90	\$4,995.53
57	\$5,610.75	\$5,201.96
58	\$5,920.44	\$5,408.40
59	\$6,237.47	\$5,614.82
60	\$6,554.48	\$5,821.25
61	\$6,871.51	\$6,048.43
62	\$7,188.53	\$6,275.62
63	\$7,451.11	\$6,502.81
64	\$7,728.89	\$6,750.88
65	\$8,013.41	\$7,006.93
66	\$8,308.43	\$7,272.70
67	\$8,614.29	\$7,548.54
68	\$8,931.42	\$7,834.86
69	\$9,260.22	\$8,132.04
70	\$9,601.12	\$8,440.47
71	\$9,954.58	\$8,760.62

<u>Wakulla</u>	<u>0.90</u>
<u>Walton</u>	<u>1.05</u>
<u>Washington</u>	<u>0.90</u>
Alachua	1.05
Baker	1.09
Bay	0.90
Bradford	1.05
Brevard	0.97
Broward	1.00
Calhoun	0.90
Charlotte	0.97
Citrus	0.84
Clay	1.09
Collier	0.90
Columbia	1.05
Dade	1.00
De Soto	0.90
Dixie	1.05
Duval	1.09
Escambia	1.05
Flagler	0.90
Franklin	0.90
Gadsden	0.90
Gilchrist	1.05
Glades	0.90
Gulf	0.90
Hamilton	0.90
Hardee	0.84
Hendry	0.90
Hernando	1.05
Highlands	0.84
Hillsborough	1.00
Holmes	0.90
Indian River	0.90
Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.95
Lee	1.01
Leon	0.90
Levy	1.05
Liberty	0.90
Madison	0.90
Manatee	1.01
Marion	0.90
Martin	1.05
Monroe	0.90
Nassau	1.09
Okaloosa	0.95
Okeechobee	0.95
Orange	0.94
Osceola	0.98
Palm Beach	1.02
Pasco	1.02
Pinellas	1.00
Polk	1.05
Putnam	1.01
St. Johns	1.07
St. Lucie	0.95
Santa Rosa	1.05
Sarasota	1.03
Seminole	1.02

72	\$10,321.05	\$9,092.91
73	\$10,701.01	\$9,437.80
74	\$11,094.95	\$9,795.76
75	\$11,503.41	\$10,167.31
76	\$11,926.89	\$10,552.95
77	\$12,365.97	\$10,953.21
78	\$12,821.21	\$11,368.66
79	\$13,293.22	\$11,799.88
77	\$2,885.42	\$2,885.42
78	\$1,825.97	\$1,825.97
79	\$1,807.05	\$1,807.05

Sumter	1.02
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE CHAPTER NO.: 9B-3  
RULE CHAPTER TITLE: Florida Building Commission: Operational Procedures  
RULE NO.: 9B-3.047  
RULE TITLE: State Building Code Adopted  
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. 13, March 26, 2004, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 edition, as revised by the Florida Building Commission on June 30, 2003, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

Proposed effective date is July 1, 2005.

Specific Authority 553.73(1),(7) FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 7-1-05.

NOTE: The Florida Building Commission has approved an effective date of July 1, 2005, for the 2004 Edition of the Florida Building Code.

2004 Florida Building Code, Residential

Chapter 2, Definitions

Section R202 Definitions

Section R202 Definitions, revise to delete the following definitions:

~~Fire Separation Distance. The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley, a fire separation distance easement, or public way, or to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the lot line.~~

~~Fire Separation Distance Easement. For the purpose of determining a fire separation distance easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within it's confines.~~

Chapter 3, Building Planning

Section R302 Location on Lot, revise to read as follows:

Section R302.1 Exterior Walls. Exterior walls separated by with a fire separation distance less than 6 3 feet (1828 914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 4 2 feet (1220 640 mm) from an adjacent projection or wall ~~the line used to determine the fire separation distance.~~

Exception: Detached garages accessory to a dwelling located within 2 feet of a lot line shall be permitted to have roof eave projections not exceeding 4 inches.

Projections extending into the 6 foot fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.