

rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured’s insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee and mediator’s fee paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer’s account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department’s duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, Florida Administrative Code, shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, Florida Administrative Code.

(15) This mediation program will expire on December 31, 2005.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1)(2)(4)(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(c), (i),(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules of Procedure and Practice	
Pertaining to Developments	
of Regional Impact	9J-2
RULE TITLE:	RULE NO.:
Development of Regional Impact	
Review Fee Rule	9J-2.0252

PURPOSE, EFFECT AND SUMMARY: To adopt uniform criteria for the assessment and collection of fees to fund the regional planning agencies’ direct and indirect costs of conducting the DRI review process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 380.032(2)(a), 380.06(23)(a),(d) FS.

LAW IMPLEMENTED: 380.06(23)(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: 1:30 p.m., March 2, 2005

PLACE: Randall Kelly Training Center, Sadowski Building, Room 305, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Beth Barineau, Administrative Secretary, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1757, Suncom 292-1757, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Stansbury, Principal Planner, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1818, Suncom 292-1818

THE FULL TEXT OF THE PROPOSED RULE IS:

9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) through (2) No change.

(3) ALLOWABLE CHARGES.

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change.

Each regional planning agency shall develop a cost allocation plan which addresses direct and indirect costs in compliance with the Office of Management and Budget Circular A-87, for use in its operations, including management of the DRI review

process. A current copy of the plan shall be maintained on file in the offices of the regional planning agencies. Costs associated with an appeal filed pursuant to Section 380.07, Florida Statutes, shall not be charged to an applicant.

(b) through (d) No change.

(4) through (7) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(d) FS. Law Implemented 380.06(23)(d) FS. History—New 11-14-90, Amended 2-21-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Stansbury, Principal Planner, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1818, Suncom 292-1818

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Valerie Hubbard, Director, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2356

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 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. 041017-TI

RULE TITLES:

RULE NOS.:

- Definitions 25-4.003
- Private Line/Special Access Cost Manual 25-4.044
- Hearing/Speech Impaired Persons 25-4.079
- Directory Assistance 25-4.115
- Local, Local Toll, or Toll Provider Selection 25-4.118

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, F.S.

SUMMARY: Rules 25-4.003-.118, F.A.C., Rules pertaining to intrastate interexchange companies (IXCs), contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, F.S. was revised to reduce the Commission’s regulatory authority over interexchange carriers. The proposed rule amendments and repeals streamline the IXC rules and implement the legislative changes. Rule 25-4.044, F.A.C., was repealed. This rule set out requirements for persons who requested changes to the rates, charges, terms or conditions of private line/special access service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Small IXCs would have the same benefits as large IXCs with reduced reporting and fewer rules. Small cities and counties should have no impact from the changes.

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 FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.04, 364.07, 364.08, 364.14, 364.17, 364.19, 364.285, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6230

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.003 Definitions.

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

(1) No change.

~~(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 (20) 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.~~

~~(21)(22)~~ No change.

~~(22)(23)~~ “Interstate Toll Message.” Those toll messages ~~which that~~ do not originate and terminate within the same state.

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

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

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

(27) through (29) No change.

(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) No change.

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

(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) 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.~~

~~(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)(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).

(46) through (54) renumbered (45) through (53) 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, _____.

25-4.044 Private Line/Special Access Cost Manual.

Specific Authority 350.127(2) FS. Law Implemented 364.14, 364.17 FS. History—New 12-15-86, Repealed _____.

25-4.079 Hearing/Speech Impaired Persons.

(1) through (3) No change.

(4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all interexchange carriers and LECs.

(5) Each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each LEC company shall provide at least one type of each of the following categories of specialized CPE:

- (a) through (d) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS. History—New 4-5-88, Amended 6-3-90, _____.

25-4.115 Directory Assistance.

- (1) through (2) No change.

~~(3) Charges for intrastate calls to directory assistance outside of the caller’s HNPA shall be at rates prescribed in the general services tariff of the interexchange companies and shall be subject to the following:~~

~~(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition of “disability”. The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.~~

Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, _____.

25-4.118 Local, Local Toll, or Toll Provider Selection.

- (1) through (8) No change.

(9) The company shall provide the following disclosures when soliciting a change in service from a customer:

- (a) Identification of the company;
- (b) That the purpose of the visit or call is to solicit a change of the provider of the customer;
- (c) That the provider shall not be changed unless the customer authorizes the change; ~~and~~
- ~~(d) All information as referenced in subsection 25-24.490(3), F.A.C.~~

(d) Upon a customer’s request, the following information will be provided verbally or in writing:

- 1. ~~(d)~~ Any nonrecurring charge;
- 2. ~~(e)~~ Any monthly service charge or minimum usage charge;
- 3. ~~(f)~~ Company deposit practices;
- 4. ~~(g)~~ Any charge applicable to call attempts not answered;
- 5. ~~(h)~~ A statement of when charging for a call begins and ends; and
- 6. ~~(i)~~ A statement of billing adjustment practices for wrong numbers or incorrect bills.

- (10) through (13) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.285, 364.603 FS. History—New 3-4-92, Amended 5-31-95, 12-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nancy Pruitt

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 32, August 6, 2004

PUBLIC SERVICE COMMISSION

DOCKET NO. 041017-TI

RULE TITLES:	RULE NOS.:
Scope and Waiver	25-24.455
Terms and Definitions	25-24.465
Registration Required	25-24.470
Provision of Regulated Telecommunications	
Service to Uncertificated	
Resellers Prohibited	25-24.4701
Application for Certificate	25-24.471
Improper Use of a Certificate	25-24.472
Application for Approval of Assignment	
or Transfer of Certificate	25-24.473
Cancellation of Registration	25-24.474
Company Operations and Customer Relations	25-24.475
Records and Reports	25-24.480
Tariffs	25-24.485
Toll Free Number Transfers	25-24.490
Notice to Customers Prior to Increase	
in Rates or Charges	25-24.491
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Call Aggregators	25-24.640
Rules Incorporated	25-24.835
Service Standards	25-24.840
Scope	25-24.900
Terms and Definitions	25-24.905
Registration or Certificate of Public	
Convenience and Necessity Required	25-24.910
Tariffs or Price Lists	25-24.915
Standards for Prepaid Calling Services	
and Consumer Disclosure	25-24.920
Adequacy of Service	25-24.930
Penalties	25-24.940

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, F.S.

SUMMARY: Rules 25-24.455-.940, F.A.C., rules pertaining to intrastate interexchange companies (IXCs), contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, F.S. was revised to reduce the Commission’s regulatory authority over interexchange carriers. The proposed rule amendments and repeals would streamline the IXC rules and implement the legislative changes. Rule 25-24.4701, F.A.C., is proposed to be

repealed. The rule sets out requirements on interexchange companies to identify and report its customers that may be reselling or rebilling the service without a certificate from the Commission. Rule 25-24.471, F.A.C., is proposed to be repealed. The rule sets out the procedures for obtaining an IXC certificate and some of the requirements of IXCs once they obtained a certificate. Rule 25-24.472, F.A.C., is proposed to be repealed. The rule prohibits various types of transfers of IXC certificates unless the Commission approved the transfer. Rule 25-24.473, F.A.C., is proposed to be repealed. The rule sets out the requirement for transfers of IXC certificates. Rule 25-24.491, F.A.C., is proposed to be repealed. The rule sets out the requirements for IXCs to notify their customers of increases in rates or charges. Rule 25-24.930, F.A.C., is proposed to be repealed. The rule sets out the minimum requirements for adequate service. Rule 25-24.940, F.A.C., is proposed to be repealed. The rule states that a penalty for an uncertificated company for providing PPSC shall not be less than \$1,000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Small IXCs would have the same benefits as large IXCs with reduced reporting and fewer rules. Small cities and counties should have no impact from the changes.

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, 364.0252, 364.19, 364.3376, 364.604(5), 427.704 FS.

LAW IMPLEMENTED: 350.113, 350.117, 350.127(1), 364.01, 364.02, 364.0252, 364.03, 364.035, 364.04, 364.05, 364.051, 364.057, 364.07, 364.09, 364.016, 364.10, 364.11, 364.183, 364.19, 364.27, 364.285, 364.32, 364.33, 364.335, 364.336, 364.337, 364.3376, 364.345, 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.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6230

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.455 Scope and Waiver.

(1) This ~~Part part~~ applies only to Intrastate Interexchange Companies (IXCs). As provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4, 25-9, or 25-14, F.A.C., shall apply to IXCs ~~Interexchange Companies~~, except as provided by this part.

~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, telephone companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.~~

~~(3) Any interexchange company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.~~

~~(2)(4)~~ An IXC ~~interexchange company~~ may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

~~(a) The factors enumerated in Section 364.337(4), Florida Statutes;~~

~~(b) through (c) renumbered (a) through (b) No change.~~

~~(5) Any statutory exemptions or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02 364.337 FS. History—New 2-23-87, Amended _____.

25-24.465 Terms and Definitions; ~~Rule Incorporated.~~

(1) For purposes of this Part, the term “Company” means an IXC Interexchange Company.

(2) Rule 25-4.003, Florida Administrative Code, Definitions, applies to IXCs ~~The following rule is incorporated herein by reference.~~

Section	Title	Portions not Applicable
25-4.003	Definitions	Subsection (8)

Specific Authority 350.127(2) FS. Law Implemented ~~364.01, 364.02, 364.337~~ FS. History–New 2-23-87, Amended 3-13-96, _____.

25-24.470 Registration Certificate of Public Convenience and Necessity Required.

(1) No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company’s current contact information with obtaining a certificate of public convenience and necessity from the Division of the Commission Clerk and Administrative Services. Services may not be provided, nor may deposits or payment for services be collected until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant’s risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

(2) An original and three (3) copies of the company’s initial tariff shall be filed. The tariff filing shall conform to the requirements of Rule 25-24.485, F.A.C.

(3) The company’s contact information shall be provided using Form PSC/CMP 31 (xx/xx), entitled “IXC Registration Form” which is hereby incorporated into these rules. A copy of the form may be obtained from the Commission’s website, www.floridapsc.com, or by contacting the Commission’s Division of Competitive Markets and Enforcement.

(4) Each IXC shall file and update, within 10 days after any change, the following contact information with the Division of the Commission Clerk and Administrative Services:

(a) Official company name, including any fictitious names, as filed with the Department of State, Division of Corporations; and

(b) Mailing address, including street name and address and post office box, city, state, and zip code.

(c) Name, address, telephone number, and e-mail address and FAX number, where applicable, of the individual who is to serve as primary liaison with the Commission in regard to ongoing operations of the company within the state.

Specific Authority 350.127(2) FS. Law Implemented ~~364.02, 364.04 364.32, 364.33, 364.335, 364.337~~ FS. History–New 2-23-87, Amended _____.

25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

Specific Authority 350.127(2) FS. Law Implemented 364.07, 364.19, 364.27 FS. History–New 1-12-92, Repealed _____.

25-24.471 Application for Certificate.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 2-23-87, Amended 5-8-91, 11-20-91, 12-22-92, 10-10-94, 3-13-96, 12-9-96 Repealed _____.

25-24.472 Improper Use of a Certificate.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 2-23-87, Repealed _____.

25-24.473 Application for Approval of Assignment or Transfer of Certificate.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 2-23-87, Amended 11-20-91, 3-13-96, Repealed _____.

25-24.474 Cancellation of a ~~Certificate~~ Registration.

(1) The Commission may on its own motion cancel a company’s registration certificate for any of the following reasons:

(a) through (c) No change.

(2) If a registered certified company desires to cancel its registration certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Current and any past due Statement of intent and date to pay Regulatory Assessment Fees, and the associated penalty and interest; and

~~(b) Statement of why the certificate is proposed to be cancelled.~~

~~(b)(e) A statement on treatment of customer deposits and final bills.~~

~~(d) Proof of individual customer notice regarding discontinuance of service.~~

(3) Cancellation of the IXC registration ~~Cancellation of a certificate~~ shall be granted ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.02, 364.285, ~~364.337, 364.345~~ FS. History–New 2-23-87, Amended 3-13-96, _____.

25-24.475 Company Operations and Customer Relations; ~~Rules Incorporated.~~

(1) For intrastate toll calls received from the relay service, each IXC shall offer discounts as required by subsection 25-4.160(1), F.A.C. The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word “local” should be omitted or interpreted as “toll”, as they shall apply only to interexchange and not local service.

Section	Title	Portions Applicable	25-4.023	Report of Interruptions	Subsection (1)
25-4.022	Complaint Trouble Reports, etc.	All	25-4.043	Inquiries	None
25-4.036	Design and Construction of Plant	All	25-4.0161	Regulatory Assessment Fees	None
25-4.038	Safety	All	25-4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)
25-4.039	Traffic	All	25-4.115	Directory Assistance	Subsections (1) and (2)
25-4.071	Adequacy of Service	Subsection (5)			
25-24.515	Pay Telephone Service	Subsection (20)			
25-4.077	Metering and Recording Equipment	All			
25-4.160	Operation of Telecommunications Relay Service	Subsection (1)			

(2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer Billing, subsections (11), (12), (14), (15), (18), and (20). A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.

(3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local, Local Toll, or Toll Provider Selection. For the purpose of this subparagraph, the words “certificate” or “certificated” in Rule 25-4.118, F.A.C. shall be substituted for the word “register” or “registered.”

(4) When operator services are provided by an IXC for calls placed from pay telephones or confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such calls.

(5) Each IXC shall respond to Commission inquiries within 15 days.

(6) Each IXC shall comply with the requirements of Rule 25-4.083, F.A.C., Preferred Carrier Freeze, except subsections (11) and (12).

Specific Authority 350.127(2) FS. Law Implemented 364.02, 364.04, 364.603, 364.604, 364.01(4), 364.07, 364.16, 364.17, 364.185, 364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704 FS. History—New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99, _____.

25-24.480 Records and Reports; ~~Rules Incorporated.~~

(1) ~~Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-4.0161, F.A.C. The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word “local” should be omitted or interpreted as “toll”, as they shall apply only to interexchange and not local service.~~

Section	Title	Portions Not Applicable
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	Subsections (1), (3)

(2) Any IXC that keeps its records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of the IXC or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business. Each company shall file updated information for the following items with the Division of Competitive Markets and Enforcement and the Division of the Commission Clerk and Administrative Services within 10 days after such changes occur:

(a) The IXC shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice. The address of the certificate holder’s main corporate and Florida offices (if any), including street name and address and post office box, city, state and zip code.

(b) The reimbursement requirement in subsection (2) shall be waived: Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.

1. For any IXC that makes its out-of-state records available at its office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission’s initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the IXC to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-4.0201, F.A.C., shall control; or

2. For an IXC whose records are located within 50 miles of the Florida state line.

(3) Each IXC shall furnish to the Commission at such times and in such form as the Commission may require, the results of any required tests and summaries of any required records. The IXC shall also furnish the Commission with any information concerning the IXC’s facilities or operations which the Commission may reasonably request and require. All such data, unless otherwise specified, shall be consistent with and reconcilable with the IXC’s regulatory assessment fee report to the Commission. Each company shall file form PSC/CMP 38 (date) with the Division of Competitive Markets and Enforcement by January 31 of each year. Form PSC/CMP

38 (date), entitled IXC Annual Report Form, is incorporated by reference into this rule and may be obtained from the Division of Communications.

(4) Where an IXC is operated with another enterprise, records must be separated in such manner that the results of the IXC operations may be determined at any time.

(5) Upon notification to the IXC, members may, at reasonable times, make personal visits to the company offices or other places of business within or without the State and may inspect any accounts, books, records, and papers of the IXC which may be necessary in the discharge of Commission duties. Commission staff members will present Commission identification cards as the written authority to inspect records. During such visits the IXC shall provide the staff member(s) with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the IXC's outside auditors.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.115, 350.117, 364.02, 364.336 364.01(4), 364.17, 364.18, 364.185, 364.337, 427.704 FS. History—New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-92, 12-27-94, 3-13-96, 10-1-96,

25-24.485 Tariffs.

(1) All initial tariffs filed as part of the registration process in Rule 25-24.470, F.A.C., shall ~~must~~ be filed with the Division of the Commission Clerk and Administrative Services Commission, using the following guidelines, before becoming effective.

(1) General.

(a) Each IXC company shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to subscribers and the conditions and circumstances under which service will be furnished. Interexchange carriers are authorized to provide services to other certificated telephone companies by individually negotiated contract rates in addition to filing and providing those services to end users pursuant to tariffs. When an interexchange carrier chooses to utilize such individually negotiated contract rates for services to other certificated telephone companies, and in any other instances in which the Commission has authorized contract rates for specific offerings, the conditions under which such contracts may be offered shall be clearly stated in the company's tariff but the contracts themselves need not be part of the tariff. The contracts must, however, be available for Commission review. The tariff shall not include charges for customer premises equipment.

(b) Each Company shall provide support to accompany any proposed changes as outlined in subsection (4).

(c) through (d) renumbered (b) through (c) No change.

(d)(e) The tariff shall be written in a manner such that service will be provided on a non-discriminatory basis. No public statement of service quality, rates, or service offerings or billings should be misleading or differ from those stated in the tariff.

(f) A printed notice shall be kept posted by each company in a public and conspicuous place in each office where application for service may be made stating that its tariff and standard contract and agreement forms are on file at that office and are open to examination by any person. The Company will also make available a list of the exchanges it serves.

(g)(g) All proposed changes to an the existing tariff shall be directed to the Director of the Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by the Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal Commission workday in order for it to be "filed" on that day.

(f)(h) All tariff changes shall be submitted to the Division of Competitive Markets and Enforcement Commission in triplicate quadruplicate in the form prescribed herein. After the effective date, one copy stamped "received" will be returned to the company, which shall be the notice to the company that the filing has been received and is on file. If acknowledgement of the filing at the time of receipt is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

(g)(i) Companies shall charge only the rates contained in their tariff. If a company desires to charge rates or charges at a lower level than is contained in an existing tariff and wishes to charge those lower rates only temporarily and afterwards return to the existing tariff level, it may, instead of filing two tariff revisions to decrease and then later increase the rate, file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service involved, including all applicable rates, terms, and conditions, specific tariff charges to be reduced, the temporary level of charges, a description of the customers who would be eligible for the decrease, the conditions under which customers would receive a decrease, include the heading "Promotion," and the beginning and ending dates of the reduction. The tariff page(s) describing the terms and rates of the temporary reduction shall immediately precede the permanent tariff pages for the service in the same section of the tariff.

(h)(j) No change.

(2) Effective Date.

~~(2)(a)~~ The initial tariff will become effective on the effective date of the company's registration pursuant to Rule 25-24.470, F.A.C. required Certificate of Public Convenience and Necessity, unless the company requests a later effective date.

~~(b) For all companies, Changes~~ changes to an existing tariff will become effective on the day following the day it is filed with the Division of Competitive Markets and Enforcement unless the company requests a later effective date, ~~or the Commission suspends or denies the filing prior to the effective date.~~

(3) Tariffs shall comply with the following format requirements: Format:

(a) All tariffs ~~filed~~ shall be submitted in loose leaf form on 8 1/2" x 11" sheets, typewritten on a good grade of white ~~three-hole~~ paper of durable quality, using one side of the paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each sheet for a left-hand binding edge so that when the tariff book is open all printed matter will be in view.

(b) No change.

(c) Each sheet shall bear the name of the company, as registered with the Commission, in the upper left-hand corner of the sheet.

(d) No change.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet(s) it replaces. As an example:

First Revised Sheet No. 1
Cancels Original Sheet No. 1
or
Fourth Revised Sheet No. 5.2;
Cancels Third Revised Sheet Nos. 5.2, 5.3 and
Second Revised Sheet 5.4

~~(f) The On the bottom of each sheet shall appear the name and title of the issuing officer shall be placed at the bottom of each sheet of the company.~~ To the right of the issuing officer's name there shall appear "Effective: _____ 11-21-95."

~~(g) The In general, the filed tariffs of the companies shall contain the following in the order listed:~~

1. Title Page. The title page shall contain a brief description of the tariff and the services offered therein adequately identify the volume as the tariff, filed by the particular company with the Florida Public Service Commission, governing the sale of the specific company service provided, and shall be sheet number 1.

2. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. ~~In tariffs of less than 30 sheets, the table of contents may serve as subject index for the entire volume. In tariffs of 30 sheets or more, each subsection shall will also be individually indexed by subject.~~

3. Symbols used in Tariff Filings. ~~The following S~~ymbols will be used in any proposed change to the existing tariff shall in the manner described herein. The symbols will appear in the right hand margin of each sheet on the same line(s) in to which any change has been made. If three or more consecutive lines are affected, it shall be sufficient to place one symbol shall be placed on the first and last lines with of the group affected and a vertical line drawn connecting the two symbols. In all such cases the pair of symbols will be the same. In the event more than one type of change occurs on the same line, Ttwo or more types of symbols may denoting the changes shall be placed next to each other on the affected line. The symbol page shall identify all symbols used in the tariff. The following are the only letters allowed to denote the following types of change:

- ~~D—Delete or Discontinue~~
- ~~I—Change Resulting In An Increase to A Customer's Bill~~
- ~~M—Moved from Another Tariff Location~~
- ~~N—New~~
- ~~R—Change Resulting In A Reduction To A Customer Bill~~
- ~~T—Change in Text or Regulation but No Change to Rate or Charge~~

4. Technical ~~T~~terms and ~~A~~abbreviations. This section shall contain ~~full and concise information as to the meaning of all technical and special terms and abbreviations used in the tariff.~~

5. Rules and Regulations. This section shall include all rules, regulations, practices, exceptions and conditions ~~made or observed relative to the company service furnished, which are general and apply to all or many of the services offered. It shall contain the company's credit rating requirements and its deposit requirements.~~ If a general regulation does not apply to a particular service, that fact should be clearly stated.

6. Description of Services Offered. This section shall describe all services available to end users in Florida.

~~a. This section shall contain a description of how a billable call is timed, when timing begins and ends, and the method used to make this determination.~~

~~b. This section shall also contain a description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of the distance between them.~~

~~c. This section shall contain a statement of the minimum call completion rate a subscriber can expect to encounter during the IXC's busy hour, expressed as a percentage, computed by dividing the number of calls completed by the number of calls attempted. The stated call completion rate for end to end Feature Group C & D service shall not be less than 90 percent.~~

~~d. This section shall detail all relevant information which pertains to a particular type of service, and will be subdivided into subsections for each type of service offered.~~

7. Rates. All ~~standard rate schedules~~, rates and charges for all services, and other data necessary to compute the customers' ~~monthly~~ bills for intrastate service shall be placed in this section. ~~If more than one type of service is offered, all information pertaining to an individual service shall be grouped together or clearly cross-referenced.~~

(4) Information to Accompany Tariff Filings.

(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet number and revision level) being transmitted and gives a brief description of all changes ~~included therein and the reasons for the changes.~~

(b) Along with each tariff filing the company shall include ~~three (3) four (4)~~ copies of the tariff pages which contain proposed changes as they will appear in the approved tariff.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14, 364.27, 364.337 FS. History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96, _____.

25-24.490 Customer Relations; Rules Incorporated Toll Free Number Transfers.

~~(1) The following rules are incorporated herein by reference and apply to IXCs:~~

Section	Title	Portions Applicable
25-4.083	Preferred Carrier Freeze	All except subsections (11) and (12)
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

~~(2) An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.~~

~~(3) Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:~~

- ~~(a) Any nonrecurring charge;~~
- ~~(b) Any monthly service charge or minimum usage charge;~~
- ~~(c) Company deposit practices;~~
- ~~(d) Any charges applicable to call attempts not answered;~~
- ~~(e) A statement of when charging for a call begins and ends, and~~

~~(f) A statement of billing adjustment practices for wrong numbers or incorrect bills. In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.~~

~~(4) Toll free number transfers.~~

~~(a) through (c) renumbered (1) through (3) No change.~~

Specific Authority 350.127(2), 364.604(5), 364.337(4) FS. Law Implemented 364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03, 9-9-04, _____.

25-24.491 Notice to Customers Prior to Increase in Rates or Charges.

Specific Authority 350.127, 364.0252, 364.19 FS. Law Implemented 364.0252, 364.19 FS. History—New 3-20-03, Repealed _____.

25-24.600 Application and Scope.

(1) The term "company" for the purpose of this Part also includes IXCs.

~~(2)(1) This Part applies to:~~

~~(a) through (c) No change.~~

~~(2) In addition to the rules contained in this Part, every company providing operator services shall also comply with the rules contained in Part X of Chapter 25-24, F.A.C.~~

(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section 364.01(4)(b)337, Florida Statutes.

Specific Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-6-93, Amended 9-10-97, 2-1-99, _____.

25-24.610 Terms and Definitions; Rules Incorporated.
 (1) For purposes of this Part, the following definitions apply:
 (a) through 6. No change.
 7. ~~School dormitories. Schools required to comply with any portion of Chapters 228 and 246, Florida Statutes, or Section 229.808, Florida Statutes,~~
 8. through 10. No change.
 11. Timeshare plan as defined in Section 721.05(37), Florida Statutes,
 12. No change.
 13. Homes, communities, or facilities funded or insured by the United States Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (Law. Co-op. 1994) that sets forth the National Housing Act program designed to aid the elderly.
 (b) through (e) No change.

(2) In addition to the above, the following rules are incorporated herein by reference:

Section	Title	Applicable
25-4.003	Definitions	All
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	(2) and (3)

Specific Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.016, 364.3376 FS. History—New 9-6-93, Amended 9-10-97, 2-1-99, _____.

25-24.640 Service Requirements for Call Aggregators.

(1) Every call aggregator shall:
 (a) through (e) No change.

(f) Place a written notice in plain view, in the immediate vicinity of each telephone served by the call aggregator, which meets the requirements of Section 364.3376(5), Florida Statutes, (1995) and also clearly states at least the following information:

1. Name of the company providing operator services as it appears on the registration list or certificate issued by the Commission;

2. through 8. No change.

9. The toll-free telephone number of the Florida Public Service Commission's ~~Division of Consumer Affairs.~~

(2) through (3) No change.

Specific Authority 350.127(2), 364.3376(5),(8) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-10-97, Amended _____.

25-24.835 Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to competitive local exchange companies.

Section	Title	Portions Applicable
25-4.0161	Regulatory Assessment Fees	All
<u>25-4.020</u>	<u>Location and Preservation of Records</u>	(2)
25-4.043	Response to Commission Staff Inquiries	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All
25-4.160	Operation of Telecommunications Relay Service	All
<u>25-24.480</u>	<u>Records and Reports; Rules Incorporated</u>	<u>Subsection (2)</u>

(2) Each company shall file updated information for the following items with the Division of the Commission Clerk and Administrative Services within 10 days after any changes to the following:

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Specific Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99, _____.

25-24.840 Service Standards.

(1) through (3) No change.

(4) When operator services are provided by a competitive local exchange company, the competitive local exchange company shall provide access to emergency service, busy line verification, and emergency interrupt service to the subscriber on at least the same level as that provided by the incumbent local exchange company.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.3376, 364.345 FS. History—New 5-6-97, Amended 4-7-03, _____.

25-24.900 Scope.

(1) This Part applies to companies that provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.19, 364.337(4) FS. History—New 3-26-98, Amended _____.

25-24.905 Terms and Definitions.

For purposes of this Part, the definitions to the following terms apply:

- (1) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.051, 364.335, 364.337(4) FS. History—New 3-26-98, Amended _____.

25-24.910 Registration or Certificate of Public Convenience and Necessity Required.

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, competitive local exchange company, or registering as an interexchange company pursuant to Rule 25-24.470, F.A.C. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued or registration is made. A “doing business as” name may be used in lieu of the certificated or registered name if it is registered as a fictitious name with the Florida Division of Corporations, and reflected on the certificate or registration with the Commission before the name is used on the card.

Specific Authority 350.127(2) FS. Law Implemented 364.02, 364.33, 364.335, 364.337(4) FS. History—New 3-26-98, Amended _____.

25-24.915 Tariffs or Price Lists.

(1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C., ~~regardless of certificate type or other tariff or price list requirements.~~

- (2) No change.

(3) Each company shall include in its tariff or price list the following information:

(a) Maximum amount a person will be charged per billing increment ~~minute~~ for PPCS, and

(b) Any applicable surcharges or other fees assessed in addition to the billing increment that reduces the value of the card.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS. History—New 3-26-98, Amended _____.

25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.

(1) The following information shall be legibly printed on the card:

(a) The Florida certificated or registered name, or “doing business as” name as provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

- (b) through (d) No change.

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

(a) Maximum charge per billing increment ~~minute~~ for PPCS;

(b) Any applicable surcharges or other fees assessed in addition to the billing increment that reduces the value of the card; and

- (c) No change.

The company must insure by contract with its retailers or distributors that the information is provided to the consumer.

(3) Each company shall provide through its customer service number the following information:

(a) Certificate or registration number;

(b) through (6) No change.

~~(7) The billing increment shall not exceed one minute.~~

~~(8) Each company shall only charge for conversation time plus applicable surcharges.~~

~~(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.~~

(10) through (11) renumbered (7) through (8) No change.

~~(12) All cards sold by the company after July 1, 1998, must comply with this rule.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19 FS. History—New 3-26-98, Amended _____.

25-24.930 Adequacy of Service.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19 FS. History—New 3-26-98, Repealed _____.

25-24.940 Penalties.

Specific Authority 350.127(2) FS. Law Implemented 364.285 FS. History—New 3-26-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nancy Pruitt

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 32, August 6, 2004

PUBLIC SERVICE COMMISSION

DOCKET NO. 041304-TC

RULE TITLE: Pay Telephone Service
RULE NO.: 25-24.515

PURPOSE AND EFFECT: The purpose of the rule amendment is to change the design standards for pay telephones from the ANSI Standards for Accessible Design to the ADA Standards for Accessible Design, 28 CFR Part 36 (July 1, 2003 Edition). By using the ADA Standards for Accessible Design, the Commission will be approving a standard that is nationally recognized and is fully enforceable by the Department of Justice. The Legislature of the State of Florida has adopted the statewide use of the ADA Standards for Accessible Design in Section 553.02, Florida Statutes.

SUMMARY: The rule changes the design standards for pay telephones from the ANSI standards to the ADA standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Costs could be incurred by pay telephone providers if equipment must be rearranged to comply with the ADA Standards. There should be a benefit to those whom the accessibility requirements are meant to help. The total potential net costs or benefits are unknown.

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: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 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.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6584

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.515 Pay Telephone Service.

(1) through (9) No change.

(10) Each pay telephone station ~~that which~~ provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by

locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.

(11) through (17) No change.

(18)(a) Except as provided in paragraphs (18)(b)-(d) below, each pay telephone station shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 ~~703.7.2.3 and 704~~ of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition) American National Standards Accessible and Usable Buildings and Facilities, approved, by the American National Standards Institute, Inc. (ANSI A117.1-1998), which ~~sections are~~ is incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.

~~(b) Where there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI standards listed in paragraph (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.~~

~~(c) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, pay telephone stations shall be placed in areas accessible to the physically handicapped.~~

~~(b)(d)~~ Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ADA Accessibility Guidelines for Buildings and Facilities ANSI sections 4.2.4.1, 4.2.4.2, and 4.31.2 ~~704.2.1~~ would be reduced by a vehicle parked in a designated parking space.

(19) No change.

(20) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls ~~that~~ which originated from that line through the use of access codes such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) through (23) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 32, August 6, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Staff Housing – Definitions	33-208.501
Staff Housing – Administrative Responsibilities	33-208.503
Criteria for Assignment to Staff Housing	33-208.504
Staff Housing Agreement Form	33-208.506
Responsibilities of Staff Housing Occupants	33-208.507
Staff Housing – Repairs and Replacements	33-208.509
Termination of Staff Housing Agreement	33-208.510

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct office and position titles; add needed definitions; define areas of responsibility for the staff housing program; clarify provisions related to availability of housing and limitations on pets.

SUMMARY: The proposed rules correct office and position titles; add definitions for “essential staff” and “guest”; shift primary responsibility for staff housing program administration from the wardens to the regional directors; clarify that staff housing availability is not guaranteed when an employee changes positions; and provide authority for wardens to set limits on the number of household pets allowed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 20.315, 216.262, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 216.262, 944.09, 945.025 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (6) No change.

(7) “Essential Staff” refers to those staff who perform critical functions in times of institutional emergencies. Examples include members of special squads, maintenance personnel, medical personnel, and correctional officers.

(8) “Guest” refers to someone other than an authorized occupant that may be present in the home for a period not to exceed 30 days.

(9)(7) “Approving Authority” –

(a) For institutions means the deputy secretary, chief of staff, assistant secretaries directors, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, chief of staff, assistant secretaries directors, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, 33-602.501, Amended 8-16-00, 4-8-02.

33-208.503 Staff Housing – Administrative Responsibilities.

(1) The regional director warden is primarily responsible for administering the department’s staff housing program. As the representative of the regional director, the warden’s duties include:

(1) through (6) renumbered (a) through (f) No change.

(2) Complaints regarding staff housing shall be submitted to the warden in memo form giving details surrounding the issues involved.

(a) The warden shall review the issues and any other pertinent information surrounding the issues in dispute and make a final decision.

(b) A written response describing any corrective action or conclusions shall be provided to the individual lodging the complaint.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.003, 33-602.503, Amended 8-16-00.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

- 1. through 7. No change.
- (b) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03,

- 33-208.506 Staff Housing Agreement Form.
- (1) No change.

(2) A new Staff Housing Agreement shall be submitted by any occupant who desires further assignment to staff housing after either changing positions to one outside of the class series under which the current assignment was made or transferring to another institution. The new Staff Housing Agreement shall be processed in compliance with the assignment criteria in Rule 33-208.504, F.A.C., herein. As an employee changes positions, there is no guarantee of staff housing in that there may be a higher priority need unique to a specific location.

- (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, 33-602.506, Amended 8-16-00, 4-8-02,

- 33-208.507 Responsibilities of Staff Housing Occupants.
- (1) Emergency Duty.

- (a) No change.

(b) Occupants of all staff housing, except officer quarters, shall immediately install a telephone upon occupancy and furnish the number to the Chief of Security ~~Correctional Officer~~ and service center personnel office.

- (2) General.

(a) Occupants shall be responsible for compliance with all applicable laws, rules, procedures, policy and procedure directives and institutional operating procedures by themselves, family members and guests.

- (b) No change.

(c) Occupants shall not alter the physical structure of staff housing unless a written request is approved in advance by the warden based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. If the occupant is the warden, a written request must be approved in advance by the regional director.

(d) Occupants shall not install structures or buildings such as carports, portable pools, utility buildings, storage shelters and fences unless a written request is approved in advance by the warden based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. If the occupant is the warden, a written request must be approved in advance by the regional director. Any such structure or building that is not designed as a permanent addition to the state-owned housing may be removed by the installing occupant at any time through his last day of occupancy.

- (e) through (q) No change.

- (3) Pets.

(a) The warden is authorized to establish limits on the number of household pets permitted to any occupant.

- (a) through (b) renumbered (b) through (c) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended 8-16-00, 1-19-03,

- 33-208.509 Staff Housing – Repairs and Replacements.

- (1) State Property.

- (a) No change.

(b) Any requests for repairs shall be submitted to the Assistant Warden for Operations in memo form for referral to maintenance personnel.

(c) Emergency repairs during non-duty hours shall be transmitted by telephone to the control room for referral to the on-call maintenance staff.

- (b) through (c) renumbered (d) through (e) No change.

- (2) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.009, 33-602.509, Amended

- 33-208.510 Termination of Staff Housing Assignment.

- (1) No change.

- (2) Revocation.

(a) An assignment to staff housing shall be revoked when it is in the best interests of the institution or Department. Specific grounds for revocation shall include any violation by an occupant, family member or guest of any provision of the housing agreement, this chapter, the institution's operating procedures, any rule, procedure or policy and procedure directive of the Department, or any local, state or federal law. Revocation may be based on the same conduct for which separate disciplinary action is taken, but each action shall be determined on its own merits. Revocation is not and shall not be considered disciplinary action.

- (b) No change.

- (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, 33-602.510, Amended 8-16-00, 4-8-02, 1-19-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: Contract and Purchase Order Requirements RULE NO.: 60A-1.016

PURPOSE AND EFFECT: The purpose of this amendment is to eliminate the suggestion that certain explicit terms are required to be in every agency purchase order.

SUMMARY: The amended rule requires agencies to include all applicable terms in their purchase orders. Certain terms are required pursuant to Florida Statutes and need not be repeated here.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.032, 287.042(12) FS.

LAW IMPLEMENTED: 287.017, 287.042, 287.057, 287.058, 287.133 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: 2:00 p.m., Monday, February 28, 2005

PLACE: Conference Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60A-1.016 Contract and Purchase Order Requirements. (1) through (2) No change. (3)(a) through (d) No change. (e) Ensuring that all purchase orders contain the solicitation number, statements regarding the quantity, description, and price of goods or services ordered; and all applicable terms as to payment, discount, date of performance, and transportation; and liquidated damages.

Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133 FS. History—New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Hurley, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES: Certification and Registration of Business Organizations RULE NOS.: 61G4-15.0021

Certification of Gas Line Specialty Contractors 61G4-15.026

Pollutant Storage System Specialty Contractors 61G4-15.027

Precision Tank Testers 61G4-15.028

Tank Lining Applicators 61G4-15.029

Medical Gas Certification 61G4-15.031

PURPOSE AND EFFECT: To address Deptment's responsibility for providing forms related to licensees. SUMMARY: Certification of Specialty Contractors.

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: 120.53, 455.217(1), 489.113(6), 489.115(4), 489.108, 489.113(7), 489.129(3), 489.113(3), 489.1136 FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(3),(6),(7),(8), 489.115(4), 489.133 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G4-15.0021 Certification and Registration of Business Organizations.

(1) through (2) No change.

(3)(a) A qualifying contractor shall complete the Financial Responsibility Acknowledgement Statement supplied by the Department contained in DPR/CILB/017 or DPR/CILB/025, as applicable as set forth in Rule 61G4-12.006, F.A.C.

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the Financial Responsibility Acknowledgment Statement contained in the Contained in Form DBPR/CILB/021, Financially Responsible Officer Application, supplied by the Department as provided in Rule 61G4-12.006, F.A.C. In addition, the financially responsible officer shall comply with the requirements of Rules 61G4-15.005 and 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and bond in form acceptable to the Board's Executive Director made payable to the Construction Industries Recovery Fund as reimbursement in the amount of \$50,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

(c) through (5) No change.

(6) The applicant seeking to qualify an additional business organization must appear before the Committee for review of the application, and may appear before both the Committee and the Board. The Board office shall schedule all qualified applicants for appearance before the Committee. All applicants shall comply with the guidelines mailed to them with the application forms, ~~numbered DPR/CILB/020,~~ titled "Questionnaire - Qualifying Additional Business Organization, supplied by the Department as set forth in Rule 61G4-12.006, F.A.C.

(7) No change.

Specific Authority 489.108 FS. Law Implemented 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143, 455.213 FS. History-New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, _____.

61G4-15.026 Certification of Gas Line Specialty Contractors.

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

1. Any person who desires to become a certified gas line specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation on the Application For Certification Examination supplied by the Department Form Number BPR/CILB/001, as set forth in Rule 61G4-12.006, F.A.C.

2. through (b) No change.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 FS. History-New 10-17-93, Amended 7-17-96, _____.

61G4-15.027 Pollutant Storage System Specialty Contractors.

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

1. Any person who desires to become a certified pollutant specialty contractor shall apply to the Board in writing on form BPR/CILB/001, supplied by the Department as incorporated in paragraph 61G4-12.006(3)(a), F.A.C.

2. through (3) No change.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4),(5), 489.133, 455.213 FS. History-New 2-1-00, Amended _____.

61G4-15.028 Precision Tank Testers.

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

1. Any person who desires to become a registered precision tank tester shall apply to the Board in writing on form DPR/CILB/031, supplied by the Department as incorporated in paragraph 61G4-12.006(1)(a), F.A.C.

2. through (b) No change.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133, 455.213 FS. History-New 2-1-00, Amended _____.

61G4-15.029 Tank Lining Applicators.

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

1. Any person who desires to become a registered tank Lining applicator shall apply to the Board in writing on form DPR/CILB/031, supplied by the Department as incorporated in paragraph 61G4-12.006(1)(a), F.A.C.

2. through (b) No change.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133, 455.213 FS. History-New 2-1-00, Amended _____.

61G4-15.031 Medical Gas Certification.

(1) through (4)(b) No change.

(5) Instructional entities seeking provider status from the Board in order to provide courses in medical gas systems training shall be entities incremental and incidental to the plumbing industry and shall demonstrate to the Board their qualifications to provide such courses, including classroom and practical work on medical gas systems in compliance with Section 489.1136, F.S., and all sections of this rule. Such instructional entities seeking provider status shall make application to the Board using Form supplied by the Department DPR/CILB/057, as provided in Rule 61G4-12.006, F.A.C.

(6) through (8) No change.

Specific Authority 489.108, 489.1136, 455.213 FS. Law Implemented 489.1136 FS. History-New 7-4-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Vaccaro, Executive Director, Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Registration of Course Providers

RULE NO.: 61G4-18.003

PURPOSE AND EFFECT: To address the criteria for course provider registration.

SUMMARY: Criteria for Registration Course Providers.
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: 455.213, 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 489.115 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.003 Registration of Course Providers.

(1) Each provider must submit the registration and the course for approval on the Provider Approval Application provided by the Department, as set forth in paragraph ~~61G4-12.006(6)(a), F.A.C., and must include the name, address, (including an e-mail address) phone number and facsimile number of the course provider. The Registration must also include the name and address of each person or entity who has an ownership interest in the course provider or who is entitled to receive any portion of the revenues from the course provider.~~

(2) through (6) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213(6) 455.2177, 455.2178, 455.2179, 489.115, 455.213 FS. History—New 12-2-93, Amended 1-18-95, 6-5-95, 8-10-95, 11-25-97, 4-15-99, 3-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Vaccaro, Executive Director, Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Annual Assessment on Gross

RULE NO.:

Florida Payroll

61G7-5.002

PURPOSE AND EFFECT: The proposed rule amendment sets forth the amount of the assessment fee based upon Florida gross payroll that is due annually.

SUMMARY: The proposed rule amendment lowers the amount of the assessment fee that is due annually.

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: 468.522 FS.

LAW IMPLEMENTED: 468.526 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: Anthony Spivey, Executive Director, Employee Leasing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) The Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be

deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Assessment Florida Payroll Fee Due		
less than \$250,000	\$ 144.00	<u>\$72.00</u>
\$250,000 – \$500,000	\$ 254.00	<u>\$127.00</u>
\$500,001 – \$1,000,000	\$ 380.00	<u>\$190.00</u>
\$1,000,001 – \$2,500,000	\$ 535.00	<u>\$267.50</u>
\$2,500,001 – \$5,000,000	\$ 689.00	<u>\$344.50</u>
\$5,000,001 – \$7,500,000	\$ 844.00	<u>\$422.00</u>
\$7,500,001 – \$10,000,000	\$ 998.00	<u>\$499.00</u>
\$10,000,001 – \$15,000,000	\$1,154.00	<u>\$577.00</u>
\$15,000,001 – \$20,000,000	\$1,308.00	<u>\$654.00</u>
\$20,000,001 – \$30,000,000	\$1,462.00	<u>\$731.00</u>
\$30,000,001 – \$40,000,000	\$1,617.00	<u>\$808.50</u>
\$40,000,001 – \$50,000,000	\$1,829.00	<u>\$914.50</u>
greater than \$50,000,000	\$2,039.00	<u>\$1,019.50</u>
(2) through (4) No change.		

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, 9-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Employee Leasing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Employee Leasing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES:	RULE NOS.:
Continuing Professional Education	61H1-33.003
Continuing Professional Education/Ethics Board Approval of CPA Ethics	61H1-33.0031
Continuing Education by Providers	61H1-33.3032
Obligations of CPA Ethics Course	
Continuing Education Providers	61H1-33.0033
Evaluation of CPA Ethics Course Providers	61H1-33.0034
Duration of CPA Ethics	
Course Provider Status	61H1-33.00341

PURPOSE AND EFFECT: The Board is promulgating the above rules pursuant to Section 473.312(1), F.S., to set out the requirements of continuing education providers who will be providing the CPA Ethics Courses required by that statute.

SUMMARY: Rule 61H1-33.003, F.A.C., is being amended to add the requirement that at least four hours of the continuing professional education must be in ethics and to update the requirement date; Rule 61H1-33.0031, F.A.C., sets out the

CPE requirements for each period and that licensees must attain completion certificate and if course is in two modules, licensee must complete both modules under the same CPE provider; Rule 61H1-33.0032, F.A.C., sets out the approval requirements for CPE provider status; Rule 61H1-33.0033, F.A.C., sets out the CPE provider obligations in providing the education; Rule 61H1-33.0034, F.A.C., explains the evaluation process of the ethics courses and seminars offered by providers; and Rule 61H1-33.00341, F.A.C., sets out the duration of the provider status approval and requirements that providers must be approved for each biennium.

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: 120.551(1)(a)4., 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312(1)(a),(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF 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 RULES IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-33.003 Continuing Professional Education.

(1)(a) In any given reestablishment period, each certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter, of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in ethics beginning with the reestablishment period ending June 30, 2006.

(b) No change.

(2) through (7) No change.

Specific Authority 120.551(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, _____.

61H1-33.0031 Continuing Professional Education/Ethics. Effective with the CPE reporting period ending June 30, 2006:

(1) A licensee must complete no less than four of the total hours required for any reestablishment period.

(2) Licensees shall attain a certificate of course completion prior to completing the exam requirements in Rule 61H1-28.007, F.A.C.

(3) In the event the course is taken in two modules, licensees must complete the four-hour requirement with the same provider.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.0032 Board Approval of CPA Ethics Continuing Education by Providers.

(1) Applicants for continuing education provider status to offer courses which satisfy the four (4) hour certified public accountant continuing education ethics requirement in Section 473.312(1)(c), F.S., must meet the requirements of subsections (2) and (3) of this rule.

(2) To demonstrate the education and/or the experience necessary to offer courses which satisfy the CPA continuing education ethics requirement, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national certified public accounting professional association whose purpose includes fostering ethical conduct and promoting standards of independence, integrity, and objectivity in the certified public accounting profession, a certified public accountant who has not been disciplined by the Board, or a certified public accounting firm.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the ethics course the provider expects to conduct for credit to include a review of Chapters 455 and 473, F.S., the related administrative rules, and topics including but not limited to: ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standards and interpretations, and appropriate national issues related to the practice of accounting;

(c) A description of the staffing capability of the applicant;

(d) A sample of intended course materials;

(e) A list of anticipated locations to conduct the courses;

(f) A complete course curriculum;

(g) A description of the means the applicant will use to update the course in response to rule or law changes;

(h) Documentation that the ethics course instructor will notify the ethics course provider of any disciplinary action taken against the instructor by the board;

(i) A fee which in an amount necessary to reimburse the Board and Department for the review of each course for compliance with these Rules and Section 473.312(1)(c), F.S.

(4) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department issue an order requiring the provider cease and desist from offering certified public accountant ethics continuing education courses and shall request that the Department revoke any approval of the certified public accountant ethics course provider granted by the Board.

(5) No provider may allow any certified public accountant to conduct any certified public accountant ethics course or seminar offered by the provider if that certified public accountant has been disciplined. Upon receipt of notice from an instructor that the instructor has been disciplined, the provider shall, within fourteen (14) days, write to the Board office and confirm that the instructor is no longer conducting certified public accountant ethics course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance shall not constitute "discipline."

(6) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall revoke the approved status of the ethics course provider or reject individual ethics courses given by an ethics course provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.0033 Obligations of CPA Ethics Course Continuing Education Providers.

To maintain an approved status as an ethics course continuing education provider, the provider must:

(1) Retain documentation that the course instructor is a certified public accountant licensed by a state or territory of the United States who has practiced in a public accounting firm for five of the last ten years, whose background, training, education or experience makes it appropriate for the person to teach the course.

(2) Require each licensee to complete the entire four-hour certified public accountant ethics course requirement in order to receive a certificate of attendance;

(a) Offer the four-hour certified public accountant ethics course in one module of four credit hours or two modules of two credit hours.

(3) Furnish each participant with an individual certificate of attendance in a format to include course date, location, attendee name and certified public accountant ethics course provider number. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board. Providers shall maintain security of attendance records and attendance records.

(4) Ensure that all promotional material for courses or seminars offered to licensees for credit contain the certified public accountant ethics course provider number and course title.

(5) Allow only one hour credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one hour of credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider.

(7) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of eighty percent (80%). If a licensee fails the examination, the licensee will be permitted to take the examination again in order to achieve a passing grade.

(8) Ensure that all correspondence or other individual study courses are approved by the National Association of State Boards of Accountancy Quality Assurance Service.

(9) Notify the Board within thirty (30) days of any change in the address or telephone number of the provider.

(10) Allow the Board to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History--New _____.

61H1-33.0034 Evaluation of CPA Ethics Course Providers.

The Board or its designee reserves the right to evaluate continuing education ethics courses or seminars offered to certified public accountants for credit by the following methods:

(1) Observing such ethics courses or seminars; and

(2) Reviewing the files of the provider to gain information about any course or seminar offered to certified public accountants for ethics course credit.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History--New _____.

61H1-33.00341 Duration of CPA Ethics Course Provider Status.

(1) Continuing education providers are approved only for the biennium during which their application was received and approved. Providers must reapply for approved provider status

at the beginning of each biennium. The biennium for continuing education providers ends on June 30th of each odd-numbered year.

(2) The Board shall notify certified public accountant ethics course providers at least ninety (90) days prior to the date of expiration of the provider status.

(3) A provider must reapply for approval at least sixty (60) days prior to the date of expiration of provider status in order to prevent a lapse in provider status.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLES:	RULE NOS.:
Practitioner Profile	64B-2.001
Profile Updates	64B-2.003

PURPOSE AND EFFECT: The Department proposes to update the existing language in these rules.

SUMMARY: These changes are to delete the references to hospital or ambulatory surgical center and to applicants for initial certification.

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: 456.004, 456.044 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 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: Stephanie J. Dixon, DOH/MQA Bureau of Operations, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B-2.001 Practitioner Profile.

The Practitioner Profile shall consist of:

(1) through (7) No change.

(8) "Final Disciplinary Action" taken within the previous 10 years shall consist of the name of the board, organization, or institution, other than a licensed hospital or ambulatory surgical center, the date of the discipline, and description of the action taken, to the extent available. If the applicant indicates to the department and submits a copy of the document initiating an appeal, the department shall state this on the profile.

(9) through (10) No change.

Specific Authority 456.004, 456.044 FS. Law Implemented 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 FS. History--New 8-12-99, Amended 9-2-01, 6-16-03, _____.

64B-2.003 Profile Updates Form.

Licensees shall mail any updates to their original profile to the Department, Pursuant to the requirements of Section 456.0391, F.S., applicants for initial certification, and applicants for certification renewal, must complete, sign, and return to the Department, Form DH 1262 (Mandatory Practitioner Profile Questionnaire Packet). Form DH 1262, effective 02/01, is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, at: 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260.

Specific Authority 456.004 FS. Law Implemented 456.0391 FS. History--New 9-2-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Adrian Washington and Stephanie Duhart

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Lola Pouncey

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE:

Disciplinary Guidelines

RULE NO.:

64B4-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment adds new guidelines in terms of penalties in cases where an applicant, licensee, registered intern, provisional licensee, or certificate holder fails timely to inform the department of any changes of address.

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 regulatory 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: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 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 RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., has committed any of the acts set forth in Section 456.072(1) or 491.009(2), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (jj) No change.

(kk) Failing to inform the department, within 30 days, of any change of address of the either the place of practice or current mailing address of any applicant or licensee. (Section 456.035, F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand</u>	<u>\$1,000 fine and</u>
		<u>1 year probation</u>
<u>SECOND OFFENSE:</u>	<u>\$1,000 fine</u>	<u>\$1,000 fine and</u>
	<u>and reprimand</u>	<u>6 month suspension</u>
		<u>followed by</u>
		<u>probation;</u>
<u>THIRD OFFENSE:</u>	<u>\$1,000 fine</u>	<u>\$1,000 fine</u>
	<u>and probation</u>	<u>and revocation</u>

(2) through (4) No change.

Specific Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History--New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 29, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling**

RULE TITLE: Citations
RULE NO.: 64B4-5.007

PURPOSE AND EFFECT: The Board proposes to update the
existing language in this rule.

SUMMARY: The proposed rule amendment adds new
guidelines in terms of penalties in cases where a subject fails
timely to inform the department of any changes of address. It
also updates the Laws Implemented section.

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 regulatory 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: 456.077, 491.004(5) FS.

LAW IMPLEMENTED: 456.077 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: Susan Foster, Executive Director,
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling 4052 Bald Cypress Way, Bin
#C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.007 Citations.

(1) through (2) No change.

(3) The Board hereby designates as offenses for citations
and the appropriate penalties the following:

(a) through (c) No change.

(d) Failure of any subject to inform the Department within
30 days of any change of address of either a place of practice or
current mailing address – \$500.

Specific Authority 456.077, 491.004(5) FS. Law Implemented 456.077,
455.624 FS. History–New 1-7-92, Formerly 21CC-5.007, 61F4-5.007,
59P-5.007, Amended 12-11-97, 2-9-99, 10-18-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 29, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling**

RULE TITLE: Requirements to Hold Oneself Out as
RULE NO.: 64B4-7.007

Qualified to Practice Juvenile
Sex Offender Therapy

PURPOSE AND EFFECT: The Board proposes to amend the
existing rule to make language changes for clarification
purposes.

SUMMARY: The proposed rule amendment makes language
changes for clarification purposes.

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 regulatory 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: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 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: Susan Foster, Executive Director,
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling 4052 Bald Cypress Way, Bin
#C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 ~~Requirements~~ ~~Qualifications~~ ~~Certified~~ to Hold Oneself
Out as Qualified to Practice Juvenile Sex Offender
Therapy.

Effective October 1, 2000, in order for a licensed clinical social
worker, marriage and family therapist or mental health
counselor to hold oneself out as one qualified ~~certified~~
to practice juvenile sex offender therapy the licensee must have:

(1) through (2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS.
History–New 2-9-99, Amended 4-24-00, 8-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Record Maintenance Systems for Institutional and Animal Shelter Permits
RULE NO.: 64B16-28.150

PURPOSE AND EFFECT: The Board has voted to delete this rule and, in an effort to group like rules together, a record maintenance rule has been created under Chapter 64B16-29, F.A.C.

SUMMARY: This is a repeal of a rule.
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: 465.005, 465.022, 465.0155, 828.055 FS.

LAW IMPLEMENTED: 465.022, 465.019, 465.026, 893.07, 828.055 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: Danna Droz, Executive Director, Florida Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.150 Record Maintenance Systems for Institutional and Animal Shelter Permits.

Specific Authority 465.005, 465.022, 465.0155, 828.055 FS. Law Implemented 465.022, 465.019, 465.026, 893.07, 828.055 FS. History—New 4-12-95, Formerly 59X-28.150, Repealed _____.

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: January 25, 2005

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Record Maintenance Systems for Animal Shelter Permits
RULE NO.: 64B16-29.0041

PURPOSE AND EFFECT: The purpose of this rule is to set forth the record maintenance system criteria for animal shelter permits.

SUMMARY: This rule sets up the requirements for records maintained in an electronic format; including backup, transfer, purging, loss of data, and computer down time. If the electronic records system does not meet Board requirements, this rule sets forth the alternative.

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: 465.005, 465.022, 465.0155, 828.055 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026 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: Danna Droz, Executive Director, Florida Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.0041 Record Maintenance Systems for Animal Shelter Permits.

(1) General requirements for records maintained in an electronic system.

(a) If a permitted animal shelter's data processing system is not in compliance with the Board's data processing requirements, the facility must maintain a manual recordkeeping system meeting the requirements of Rule 64B16-29.004, F.A.C.

(b) Requirements for back-up systems. The facility shall maintain a back-up copy of information stored in the data processing system using disk, tape, or other electronic back-up and up-date this back-up copy on a regular basis, at least monthly, to assure that data is not lost due to system failure.

(c) Change or discontinuance of a data processing system.

1. Records of dispensed and returned medicinal drugs. A permitted animal shelter that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system;
or

b. Purge the records to a printout which contains the same information as required on the audit trail printout as specified in Rule 64B16-29.004, F.A.C.

2. Other records. A pharmacy that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system;
or

b. Purge the records to a printout which contains all of the information required on the original document.

3. Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(d) Loss of Data. The shelter manager for permitted animal shelters shall report to the Board in writing any significant loss of information from the data processing system within 10 days of discovery of the loss.

(2) The permitted animal shelter shall maintain a system(s) which can produce the information required in Rule 64B16-29.004, F.A.C., for the preceding two years. The information required in this paragraph shall be supplied by the permitted animal shelter within seven working days if requested.

(3) Failure to maintain records. Failure to provide records set out in this subsection, either on site or within 7 working days for whatever reason, constitutes failure to keep and maintain records.

(4) Data processing system downtime. In the event that a permitted animal shelter which uses a data processing system experiences system downtime, the permitted animal shelter must have an auxiliary procedure which will ensure that all data is retained.

Specific Authority 465.005, 465.022, 465.0155, 828.055 FS. Law Implemented 465.022, 465.019, 465.026, 893.07, 828.055 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, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
Notice of Noncompliance	64B21-504.002
Citations	64B21-504.003
Mediation	64B21-504.004

PURPOSE AND EFFECT: The Department proposes to create rules relating to the discipline of school psychologists.

SUMMARY: The Department deems it necessary to adopt rule provisions relating to notice of noncompliance, citations and mediation for school psychologists.

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 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 490.015 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B21-504.002 Notice of Noncompliance.
The Department adopts the provisions in Rule 64B19-17.0035, F.A.C., as the minor violations which shall result in a notice of noncompliance.

Specific Authority 120.695 FS. Law Implemented 456.073, 490.015 FS. History—New _____.

64B21-504.003 Citations.
The Department adopts the provisions in Rule 64B19-17.004, 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, 490.015 FS. History—New _____.

64B21-504.004 Mediation.
The Department adopts the provisions in Rule 64B19-17.007, F.A.C., as the offenses that may be resolved through mediation.

Specific Authority 456.078 FS. Law Implemented 456.078, 490.015 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Use of Test Instruments
 RULE NO.: 64B21-505.001

PURPOSE AND EFFECT: The Department proposes to create a rule relating to the use of test instruments.

SUMMARY: The Department has determined to adopt the provisions as cited in Rule 64B19-18.004, F.A.C., as relating to school psychologists.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(5), 490.009(1)(r),(s),(v),(w) 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

SCOPE OF PRACTICE

64B21-505.001 Use of Test Instruments.

Insofar as the provisions are applicable to the profession, the Department adopts the provisions in Rule 64B19-18.004, F.A.C., as binding upon school psychologists.

Specific Authority 490.004(4) FS. Law Implemented 490.003(5), 490.009(1)(r),(s),(v),(w) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF HEALTH

Dental Laboratories

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B27-2.001
Notice of Noncompliance for Minor Violations	64B27-2.002
Citation Authority	64B27-2.003
Mediation	64B27-2.004

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUMMARY: These rules set forth the violations and penalties, provide for consideration of aggravating and mitigating circumstances, settlement agreements, notice of noncompliance, citation violations and those that are subject to mediation.

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, 456.073(3), 456.077, 456.078, 466.038 FS.

LAW IMPLEMENTED: 120.695, 456.072, 456.073(3), 456.077, 456.078, 456.079, 466.028, 466.037 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

64B27-2.001 Disciplinary Guidelines.

(1) The Department shall impose disciplinary penalties upon a determination that the holder of a registration certificate has violated any provision of Chapter 466 or Chapter 456, Florida Statutes, or any rules promulgated by the Department or the Board of Dentistry.

(2) Violations and Range of Penalties. In imposing discipline, the Department shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations as set forth below. The final order shall explain any mitigating or aggravating circumstances used to justify any deviation from the specified guidelines. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to

determine the conduct included. Any and all offenses listed are sufficient grounds for initial refusal of registration to an applicant.

(3) In addition to the penalty imposed, the Department shall recover the costs of the investigation and prosecution of the case. In addition to any other penalty imposed, if the violation includes proof of intentional fraud or fraudulent misrepresentation, the Department shall impose a penalty of \$10,000 per count or offense.

(a) Attempting to renew or renewing by bribery, false representation or error (466.028(1)(a), 456.072(1)(h), F.S.). For an error, the first offense is a minimum fine of \$200 to a maximum fine of \$750. For a second offense the minimum fine is \$500 and the maximum fine is \$2,000. For bribery or false representation the penalty is revocation.

(b) Having a registration or license to operate a dental laboratory denied or acted against in another jurisdiction (466.028(1)(b), 456.072(1)(f), F.S.). First offense – from a minimum fine of \$300 to a maximum fine of \$2,000 and/or suspension of the license for up to five years. For a second or subsequent offense – from a minimum fine of \$1,000 to a maximum fine of \$10,000 and revocation.

(c) Any advertising or misleading advertising to dentists or using another's name (466.028(1)(d) or (e), 466.035, F.S.). First offense – from a minimum fine of \$500 to a maximum fine of \$3,000 and/or one year of probation. For a second or subsequent offense – from a minimum fine of \$750 to a maximum fine of \$5,000 and/or suspension of the license for two years.

(d) Assisting unlicensed practice (466.028(1)(g), 456.072(1)(j), F.S.). First offense – from a minimum fine of \$1,000 to a maximum fine of \$5,000 and/or suspension for up to five years. For a second or subsequent offense – revocation and a fine of up to \$5,000.

(e) Failing to perform any statutory or legal obligation (466.028(1)(i), 456.072(1)(k), F.S.). First offense – From a minimum fine of \$300 to a maximum fine of \$1,000 and/or probation for up to five years. For a second or subsequent offense – From a minimum fine of \$750 and probation for six months to a maximum fine of \$5,000 and/or revocation.

(f) Filing a false report (466.028(1)(j), 456.072(1)(l), F.S.). First offense – From a minimum fine of \$500 to a maximum fine of \$2,000 and or suspension for up to five years. For a second or subsequent offense – revocation.

(g) Making deceptive, untrue, or fraudulent representations (466.028(1)(l), 456.072(1)(m), F.S.). First offense – From a minimum fine of \$1,000 and/or probation for two years to a maximum fine of \$10,000 and/or revocation. For a second offense, from a minimum fine of \$2,000 and/or probation for three years to a maximum fine of \$10,000 and revocation. For a third of subsequent offense, revocation.

(h) Failing to keep dental records, specifically work orders for two years (466.028(1)(m), F.S.). First offense – From a minimum fine of \$1,000 and/or probation for three years to a

maximum fine of \$6,000 and/or suspension for up to three years. For a second or subsequent offense, from a minimum fine of \$2,000 to revocation.

(i) Fraud, deceit or misconduct (466.028(1)(t), F.S.). First offense – From a minimum fine of \$500 and suspension for three months to a maximum fine of \$10,000 and/or revocation. For a second or subsequent offense, a fine of \$10,000 and/or revocation.

(j) Failure to maintain sanitary conditions (466.028(1)(u), F.S.). First offense – From a minimum fine of \$350 to a maximum fine of \$1,500 and/or suspension for one year. For a second or subsequent offense, from a fine of \$750 to \$5,000 and/or suspension for up to five years.

(k) Practicing beyond the scope permitted by law (466.028(1)(y), 456.072(1)(o), F.S.). First offense – From a minimum fine of \$500 to a maximum fine of \$5,000 and/or suspension for six months followed by one year of probation. For a second or subsequent offense, from a minimum fine of \$1,000 to a maximum fine of \$10,000 and/or revocation.

(l) Delegating professional responsibility to unqualified person (466.028(1)(z), F.S.). First offense – From a minimum fine of \$750 to a maximum fine of \$5,000 and suspension for six months. For a second or subsequent offense, from a minimum fine of \$2,500 to a maximum fine of \$7,500 and/or revocation.

(m) Violation of an order or failure to comply with subpoena (466.028(1)(aa), 456.072(1)(q), F.S.). First offense – From a minimum fine of \$500 to a maximum fine of \$2,500 and/or suspension for three months. For a second or subsequent offense, from a minimum fine of \$1,500 to revocation.

(n) Operating below the minimum standards of performance (466.028(1)(ff), F.S.) First offense – From a minimum fine of \$500 to a maximum fine of \$1,500 and up to three years of probation. For a second or subsequent offense, from a fine of \$1,500 to revocation.

(o) Failure to report action taken in another jurisdiction (466.028(1)(ii), F.S.). First offense – From a minimum fine of \$250 to suspension for three years. For a second or subsequent offense, a minimum fine of up to \$1,000 and/or suspension for three years up to a maximum of revocation.

(p) Violating any pertinent statute or rule (466.028(1)(ll), 456.072(1)(cc), F.S.). First offense – From a minimum fine of \$200 and/or three months probation to a maximum fine of \$3,000 and suspension for up to three years followed by up to two years of probation. For a second or subsequent offense, from a minimum fine of \$1,000 and three months suspension to a fine of \$10,000 and/or revocation.

(q) Interfering with an investigation or inspection (456.072(1)(r), F.S.) First offense – From a fine of \$1,000 and one year of probation to revocation. For a second or subsequent offense a fine of \$5,000 and/or revocation.

(4) The range of disciplinary penalties which the Department is authorized to impose includes those set forth in Sections 466.037 and 456.072, F.S. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following mitigating and aggravating factors:

- (a) The danger to the public;
- (b) The length of time since the date of the violation;
- (c) The number of previous disciplinary cases filed against the certificate holder or registrant;
- (d) The length of time the laboratory has been in business;
- (e) The actual damage to the dentist or the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the certificate holder's or registrant's livelihood;
- (h) Improvement or correction efforts;
- (i) Any other mitigating or aggravating circumstances.

(5) Stipulation or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the Department to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(6) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Department to pursue collateral civil or criminal actions when appropriate.

Specific Authority 466.038 FS. Law Implemented 456.072, 456.079, 466.028, 466.037 FS. History—New _____.

64B27-2.002 Notice of Noncompliance for Minor Violations.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of the registration certificate holder to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which result in a notice of noncompliance are:

- (1) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S.
- (2) Failure to renew registration provided that the delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S.

Specific Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3) FS. History—New _____.

64B27-2.003 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Department describes those violations for which there is no substantial threat to the public health, safety, and welfare and the penalties to be imposed. All citations require the subject to correct the violation, if remediable, within a specified period of time not to

exceed 60 days. If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall pay the costs of investigation.

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

- (a) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S. \$100 fine.
- (b) Failure to renew registration provided that the renewal and delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S. \$100 fine.
- (c) Advertising or operating a laboratory under the name of another laboratory under Section 466.028(1)(e), F.S. \$200 fine.

(d) Failure to maintain on the premises a copy of the laboratory registration provided that the laboratory is properly registered under paragraph 64B27-1.001(2)(c), F.A.C., \$150 fine.

(e) Failure to maintain on the premises a written policy and procedure on sanitation under paragraph 64B27-1.001(2)(e), F.A.C., provided that this required policy document is provided to the inspector within 20 days. \$150 fine.

(f) A single instance of waste materials not being disposed of properly under paragraph 64B27-1.001(2)(b), F.A.C. \$100 fine.

(3) Citations shall be issued to licensee by the Bureau of Investigative Services only after review by Department legal staff. Such review may be by telephone, in writing, by facsimile, or by e-mail.

(4) When an initial violation for which a citation could be issued occurs in conjunction with a violation for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.

(5) The registration certificate holder 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 and mailed to the Department. A copy of the citation shall accompany the payment of the fine and costs.

Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077 FS. History—New _____.

64B27-2.004 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation:

(a) First time violations of Section 456.032, F.S., by the issuance to the Department of a check not supported by sufficient funds.

(b) First time disputes or issues with regard to whether the registration certificate holder provided the necessary information to carry out the purposes of Chapter 466, F.S., including proof of having the necessary equipment and supplies in the appropriate condition as required by Section 466.036, F.S..

(c) First time disputes or issues with regard to whether the registration certificate holder is in violation of Rule 64B27-1.001, F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster, Executive Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.003 RULE TITLE: Degrees, Programs, and Credits
NOTICE OF CHANGE

Notice is hereby given that the following amendment has been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 42, of the October 15, 2004, and Vol. 30, No. 51, of the December 17, 2004, issues of the Florida Administrative Weekly. The rule was amended as follows:

Rule 6A-4.003, F.A.C., is amended to include a new subsection (5):

6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator certification purposes based on the following:

(1) through (4) No change.

(5) The Department may not approve an education credential evaluation agency that does not:

(a) Employ evaluation staff that have recent, substantive experience in the United States in foreign credential evaluation work covering all levels of education and verify that staff receive on-going training and professional development in credential evaluation methods and procedures.

(b) Provide verification that the agency has developed and documents procedures for identifying the authenticity of foreign educational credentials.

(c) Make available to the public, evaluation policies and fees.

(d) Maintain a current reference library and materials pertinent to the evaluation of foreign credentials that includes standard references in the field and identifies bibliographic listing.

(e) Use reliable translation services for educational credentials.

(f) Prepare evaluation reports based on complete, identified documentation, including the name and location of the institution, the name of the program, diploma, degree, major field of study, year(s) of completion, and the equivalency to earned accredited postsecondary college credit in the United States.

(g) Provide a list of three or more references with contact information such as state departments of education, professional education organizations, or postsecondary institutions.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-3.002 RULE TITLE: Administration of the Commission
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.001 RULE TITLE: College or University Requirements
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. 48, November 24, 2004, issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee.