

Section II
Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

RULE TITLE: Review Criteria RULE NO.: 29H-9.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 29H-9.003, F.A.C., Review Criteria, to reflect revisions to the Strategic Regional Policy Plan (SRPP).

SUMMARY: The proposed rule adopts by reference a revised SRPP resulting from the 2001 SRPP Evaluation and Appraisal Report and implementation of the recommendations of the January 2003 Regional Visioning Assembly. The revisions are intended to improve readability and usability, eliminate redundancy, and collapse/ merge many policies under a single goal or theme area. In addition, sections associated with the requirements of Chapter 27E-5, F.A.C., are collapsed and incorporated into a Foreword section or appendices, as appropriate.

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

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 186.507, 186.508 FS.

LAW IMPLEMENTED: 120.53(1), 186.507, 186.508 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: 10:30 a.m., Monday, September 12, 2005

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: H. Gerald Smelt, AICP, Governmental Services Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782, (727)570-5151, Ext. 28

THE FULL TEXT OF THE PROPOSED RULE IS:

29H-9.003 Review Criteria.

The following official publication of the Tampa Bay Regional Planning Council is hereby adopted, and incorporated by reference, with the exception of Appendix D, 2004 Indicators Report, as specific review criteria: Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region, 2005 1996, as amended, effective 11-25-98. The publication may be obtained by contacting the Tampa Bay Regional Planning Council offices at 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida 33782 9455 Koger Boulevard, St. Petersburg, Florida 33702; Telephone (727)577-5151 or at the Council's website: http://www.tbrpc.org.

Specific Authority 186.507, 186.508 FS. Law Implemented 120.53(1), 186.507, 186.508 FS. History--New 3-12-96, Amended 11-25-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: H. Gerald Smelt

NAME OF SUPERVIOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. Avera Wynne, AICP, Planning Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLES: Limiting Conditions 40D-1.6105 Forms and Instructions 40D-1.659

PURPOSE AND EFFECT: The purpose of the amendments is to address concerns that water use permits could become void after a sale of the land on which permitted withdrawal facilities are located or the sale of withdrawal facilities. The amendments remove the provisions that render permits void and references to those provisions if the permits are not transferred to the new owner within 45 days of the sale.

SUMMARY: Amendments are made to Rules 40D-1.6105, Limiting Conditions, 40D-1.659, Forms and Instructions, 40D-2.091 Publications Incorporated by Reference, 40D-2.351, Transfers of Permits, 40D-2.381, Standard Permit Conditions, F.A.C., Sections 1.10, Transfers of Permits and 1.13 Revocation and Cancellation of Permits, of the Basis of Review and Form LEG-R002.02 (2/05), Notification and Request For Transfer of a Water Use Permit to delete provisions that could render void water use permits, and references to those provisions, if the permit is not transferred within 45 days of the sale of land on which permitted withdrawal facilities are located or the sale of the permitted withdrawal facilities.

The District's rules and form that address transfers of water use permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.6105 and 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit Form No. 04-10R-022 (07/01) or a Notification and Request for Transfer of a Water Use Permit form No. LEG-R002.02 (), as and an appropriate, Notification and Request for Transfer form, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Notification and Request for Transfer of Environmental Resource Permit Form No. 04-10R-022 (07/01) and Notification and Request for Transfer

of a Water Use Permit form No. 04-10R-025(8/02) are incorporated herein by this reference. Copies of these forms may be obtained from the District.

(3) If only a part of such lands is so conveyed, or if the ownership, lease, or other legal control is divided, such permit shall immediately terminate unless the terms of the permit are modified by the Board or the permit is transferred pursuant to District rules.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History-Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, 8-25-02,_____.

40D-1.659 Forms and Instructions

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (19) No change.

(20) NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT FORM NO. LEG-R002.0201 () 04-10 R-025 (8/02)

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (20) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History-New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumption Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Revocation and Cancellation of Permits	40D-2.341
Transfer of Permits	40D-2.351
Standard Permit Conditions	40D-2.381

PURPOSE AND EFFECT: The purpose of the amendments is to address concerns that water use permits could become void after a sale of the land on which permitted withdrawal facilities are located or the sale of withdrawal facilities. The amendments remove the provisions that render permits void and references to those provisions if the permits are not transferred to the new owner within 45 days of the sale.

SUMMARY: Amendments are made to Rules 1.6105, Limiting Conditions, 40D-1.659, Forms and Instructions, 40D-2.091 Publications Incorporated by Reference, 40D-2.351, Transfers of Permits, 40D-2.381, Standard Permit Conditions, F.A.C., Sections 1.10, Transfers of Permits and 1.13 Revocation and Cancellation of Permits, of the Basis of Review and Form LEG-R002.02 (2/05), Notification and Request For Transfer of a Water Use Permit to delete provisions that could render void water use permits, and references to those provisions, if the permit is not transferred within 45 days of the sale of land on which permitted withdrawal facilities are located or the sale of the permitted withdrawal facilities.

The District's rules and form that address transfers of water use permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-2.091, 40D-2.341, 40D-2.351, 40D-2.381, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) "Basis of Review for Water Use Permit Applications" _____, 2005 February 1, 2005;
- (2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, _____.

40D-2.341 Revocation and Cancellation of Permits.

- (1) through (2) No change.
- (3) The District may administratively cancel a permit when the permittee or permittee's authorized agent requests the permit to be canceled; or the permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; ~~or the permit has become null and void as set forth in Rule 40D-2.351(4), F.A.C.~~

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 313.249 FS. Law Implemented 373.171, 373.243 FS. History--Readopted 10-5-74, Formerly 16J-2.15, Amended 10-1-89, 2-1-05, _____.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using a "Notification and Request for Transfer of a Water Use Permit", Form No. LEG-R002.0204 ()(~~2/05~~). The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

- (2) through (3) No change.
- (4) ~~If a permit is not transferred as described above, it shall become null and void and subject to cancellation under Rule 40D-2.341(3), F.A.C.~~

(4)(~~5~~) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History--New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, _____.

40D-2.381 Standard Permit Conditions.

- (1) through (2) No change.
- (3) Every permit acquired under this Chapter shall include the following standard conditions which impose certain limitations on the permitted water withdrawal:

(a) through (o) No change.

~~(p) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land. The Permittee shall notify the District within 30 days of the sale or conveyance of the permitted water withdrawal facilities or the land on which the facilities are located.~~

(q) through (r) No change.

(4) No change.

Water Use Permitting Basis of Review

Chapter 1.0 PERMITTING PROCEDURES

1.10 TRANSFER OF PERMITS

1. Total Transfers.

~~a. If a Permittee sells or conveys a permitted water withdrawal facility or the land on which the facility is located, the Permittee must notify the District within 30 days of the sale or conveyance.~~ Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party that subsequently owns or controls ~~controlling~~ the permitted water withdrawal facilities must ~~may~~ apply to transfer the permit to himself or herself within 45 days of taking ownership or control, ~~up to the renewal date of the transferor's permit~~ notwithstanding the provisions of Chapter 40D-1.6105, F.A.C. The District will transfer the permit if the source, use, and quantity remain the same. All terms and conditions of the permit shall become binding on the transferee. If the transferee has an existing water use permit serving contiguous land at the time of acquiring the transferred permit, the District shall modify the transferee's existing permit to reflect the transfer. If the transferee proposes a change in the terms or conditions of the permit, the transferee must apply for a modification. If the transferee proposes a change in the water use classification, the transferee must apply for a new permit.

b. Until the permit is transferred or a new permit obtained, the party subsequently controlling the permitted water withdrawal facilities will be in violation of these rules for making any withdrawals without the required permit.

2. Partial Transfers.

~~a. If a Permittee sells or conveys a portion of a permitted water withdrawal facility or a portion of the land on which the facility is located, the Permittee must notify the District within 30 days of the sale or conveyance.~~ Where a permit has been issued to a party whose ownership or legal control of a portion of the permitted water withdrawal facilities subsequently terminates, the party that subsequently owns or controls ~~controlling~~ the permitted water withdrawal facilities must may apply to transfer the permit in part to himself or herself within 45 days of taking ownership or control, ~~up to the renewal date~~

~~of the transferor's permit~~ notwithstanding the provisions of Chapter 40D-1.6105, F.A.C. The District will transfer that portion of the permit quantity relating to the conveyed water withdrawal facility or conveyed land if the use remains the same, provided the transferee submits a complete water use application and fee. All relevant permit conditions of the transferor's permit shall apply to the transferee's permit. If the transferee proposes a change in the terms or conditions of the permit, the transferee must apply for a modification. If the transferee proposes a change in the water use classification, the transferee must apply for a new permit. The District shall modify and decrease the transferor's permit by the quantities transferred to the transferee's permit. If the transferee has an existing water use permit serving contiguous land at the time of acquiring the partially transferred permit, the District shall modify the transferee's existing permit to reflect the transfer.

b. Until a portion of the permit is transferred or a new permit obtained, the party subsequently controlling a portion of the permitted water withdrawal facilities or a portion of the land on which the facilities are located, will be in violation of these rules for making any withdrawals without the required permit.

1.13 REVOCATION AND CANCELLATION OF PERMITS

A permit may be revoked, following notice and hearing, for the following reasons:

1. through 4. No change.

The District may administratively cancel a permit for the following reasons:

1. The permittee or permittee's authorized agent requests that the permit be cancelled, or;

2. The permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; ~~or~~

~~3. The permit has become null and void as set forth in Rule 40D-2.351(4), F.A.C.~~

The permittee requesting cancellation shall ensure that all ground water wells have been either properly capped or plugged and abandoned according to Rule 40D-3.531, F.A.C., and all surface water withdrawal points have been dismantled. Prior to an administrative cancellation, District staff shall perform a site visit to confirm these requirements have been met. In the case where the permit has been abandoned as described above, all ground water wells must be plugged and abandoned according to Rule 40D-3.531, F.A.C., by the permittee.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.244 FS. History—New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 10J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, 4-14-02, 1-1-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lisa Rawlins, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Purpose	59B-14.001
Definitions	59B-14.002
Exclusions	59B-14.003
Satisfaction Survey Reporting Requirements	59B-14.004
Health Plan Reporting Requirements	59B-14.005
Health Plan Contact Information	59B-14.006
Certification	59B-14.007
Administrative Penalties	59B-14.008

PURPOSE AND EFFECT: Health insurers are required to make available to the Agency for Health Care Administration (agency) satisfaction survey data and related health plan data for purposes of consumer information.

SUMMARY: The proposed rules require that health insurers report satisfaction survey data and health plan data to the agency annually in a uniform electronic format. The proposed rules require that health insurers use a survey auditor or survey vender approved by the Agency for Health Care Administration and that health insurers submit documentation of an acceptable audit. The proposed rules require health insurers to submit a certification that the data submitted is true and accurate and prepared according to national survey standards using a form incorporated by reference. The proposed rules notify health insurers that failure to report in whole or in part is subject to administrative penalties as provided in Florida Statutes unless an extension is requested by the health insurer and granted by the Agency as provided in the proposed rules. The proposed rules require that health insurers report insured satisfaction data to the National CAHPS Benchmarking Database.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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: 408.061(1)(c), 408.061(1)(e), 408.08(4), 408.08(5), 408.15(11) FS.

LAW IMPLEMENTED: 408.05(3)(1) 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:

TIME AND DATE: 10:00 a.m., August 29, 2005

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-14.001 Purpose.

(1) The rules in this section describe the requirements for reporting satisfaction survey data to the Agency for Health Care Administration (agency) for the purpose of providing consumers with comparative information about consumers' experience with their health plan or their health care if that experience is directly related to the services provided by all types of health plans subject to these requirements.

(2) The rules in this section describe the requirements for reporting information about the health insurer's health plans to the agency for the purpose of providing descriptive information about health plans to consumers.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.002 Definitions.

(1) "Health insurer" means an entity that provides health benefit plans in this state, including an authorized insurer, a health maintenance organization, a multiple-employer welfare arrangement or any other person providing a health benefit plan that is subject to insurance regulation in this state. However, the term does not include a multiple-employer welfare arrangement, which multiple-employer welfare arrangement operates solely for the benefit of the members or the members and the employees of such members, and was in existence on January 1, 1992.

(2) "Health plan" means a health benefit plan as defined in Section 627.6699(3)(k), Florida Statutes, that is, any hospital or medical policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract. The term does not include accident-only, specified disease, individual hospital indemnity, credit, dental-only, vision-only, Medicare supplement, long-term care, or disability income insurance; similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan and are specifically designed to fill gaps in the underlying health plan, coinsurance, or deductibles; coverage issued as a supplement to liability insurance; workers' compensation or similar insurance; or automobile medical-payment insurance. The term does not include Medicare health plans, Medicaid health plans, or Florida Healthy Kids health plans described in

Section 624.91, Florida Statutes. The term does not include limited or short term hospital, medical or surgical benefit policies.

(3) "Measurement year" means the year prior to the year in which the report is due to be submitted to the Agency for Health Care Administration (Agency).

(4) "Insured" means a person who has health care coverage under a health plan of the health insurer.

(5) "Covered lives" means the sum of primary insureds (the total number of resident individual policyholders or resident group employee or member certificateholders) and covered dependents (the total number of individuals who are covered by the primary insured's plan and who receive coverage due to his or her dependent relationship to the primary insured.)

(6) "Cost sharing" means any co-insurance, co-payment, deductible or similar arrangement the member agrees to pay upon receipt of covered health care services.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.003 Exclusions.

Health insurers who meet the criteria in paragraph (1), (2), or (3) of this section are exempt from the data collection and reporting requirements of Rules 59B-14.001 through 59B-14.008, F.A.C.

(1) Health insurers with less than \$1,000,000 in direct premiums earned for new and renewal business specific to covered Florida residents from all health plans as described in subsection 59B-14.002(2), F.A.C., in the year prior to the measurement year.

(2) Health insurers with less than 5,000 covered lives in the state of Florida for all health plans excluding self-insured plans at any time during the measurement year.

(3) New health insurers starting operations after January 1 of the measurement year excluding health insurers formed by the merger of one or more health insurers that had more than \$1,000,000 in direct premiums earned for new and renewal business specific to covered Florida residents from all health plans as described in subsection 59B-14.002(2), F.A.C., in the year prior to the measurement year.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(1) FS. History--New _____.

59B-14.004 Satisfaction Survey Reporting Requirements.

(1) Beginning July 1, 2006, health insurers shall report annual survey data using the Consumer Assessment of Health Plans (CAHPS) questionnaire of the National Committee for Quality Assurance (NCQA) and supplemental questions described in paragraphs (a), (b) and (c) below to the Agency for Health Care Administration (agency) performed for a random sample of Florida insureds fielded during the first half of the year following the measurement year except that health insurers defined under Chapter 627, Florida Statutes, shall

report selected CAHPS data to include health plan customer service, health plan claims processing, obtaining information about the health plan, overall satisfaction with the health plan, age of insured, gender of insured, health status of insured, race of insured, level of education of insured, ethnic group of insured and the supplemental questions described in paragraphs (a), (b), and (c) of this subsection. The data shall be submitted with an acceptable audit report as provided in subsection (6) below.

(a) Would you recommend your health plan to your family or friends?

- 1. Definitely yes
- 2. Probably yes
- 3. Probably not
- 4. Definitely not

(b) How would you rate the number of doctors (b) you had to choose from?

- 1. Excellent
- 2. Very good
- 3. Good
- 4. Fair
- 5. Poor
- 6. No experience

(c) If today you could select any health plan company in your area, would you select your current plan again?

- 1. Definitely yes
- 2. Probably yes
- 3. Uncertain
- 4. Probably not
- 5. Definitely not

(2) Health insurers shall use the most current version of the NCQA CAHPS questionnaire available December 31 of the measurement year to perform the member satisfaction survey.

(3) The survey shall be performed for adults 18 years and older.

(4) Health insurers shall perform a separate member satisfaction survey for the following plan types (a) and (b) if the number of covered lives exceeds 5,000 for all plans within each type:

(a) Health plans of health maintenance organizations as defined under Chapter 641, Florida Statutes.

(b) Health plans of health insurers defined under Chapter 627, Florida Statutes.

(5) Health insurers shall administer the survey in a manner that meets or exceed the survey protocol standards of the National Committee for Quality Assurance (NCQA) for the applicable measurement year as set forth in the Specifications for Survey Measures available from the NCQA at: www.ncqa.org. The required final sample size submitted to the agency must equal or exceed 411 surveys except that a health

insurer with less than 20,000 covered lives in Florida will not be penalized if the health insurer can document that the survey was administered according the NCOA survey protocol.

(6) Health insurers shall use an independent NCOA certified auditor to perform an audit of the data file used to perform the survey or a NCOA certified vendor to perform the survey. Information on certified auditors and vendors is available from the website: www.ncqa.org. Health insurers will submit a copy of the signed audit report electronically or by mail prior to or concurrent with the reporting of the survey results. Health insurers shall submit a statement from the auditor documenting an acceptable audit of the data file. Health insurers shall report the name of the survey vendor and the auditor as specified in Rule 59B-14.006, F.A.C.

(7) The survey data shall be submitted to the agency in a text file in the order of survey questions in the adjunct file described in subsection (8), using a tab between each data element and starting a new line for each respondent.

(8) Health insurers shall report a separate adjunct text file to the agency containing contact information and survey questions for each plan type reported. Report the survey questions in the adjunct file in the order administered, starting a new line for each question. Include the health plan contact information required in Rule 59B-14.006, F.A.C., at the beginning of the adjunct file followed by the survey questions. Report health plan contact information in the order specified in Rule 59B-14.006, F.A.C., using four lines of text starting a new line beginning with contact name, survey vendor name and auditor name.

(9) Health insurers shall submit the CAHPS survey data annually to the National CAHPS Benchmarking Database (NCBD) according the specifications provided on the NCDB website: <http://ncbd.cahps.org/Home/Index.asp>. Each health insurer will permit the NCBD to release the data to the agency provided that the data is released in a manner that does not or could not be used to identify specific health insurers. Health insurers will retain ownership of the data submitted to and maintained by the NCBD.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(l) FS. History—New _____.

59B-14.005 Health Plan Reporting Requirements.

(1) Health insurers shall report health plan data to the Agency for Health Care Administration (agency) on July 1 of each year for each of the insureds included in the satisfaction survey results to be reported on July 1 of the same year as specified in Rule 59B-14.004, F.A.C. The reported health plan data must be current as of the date the sampling frame is prepared.

(2) Health plan data shall be reported for each insureds sampled as described in paragraphs (a) through (f) below. All data elements paragraphs (a) through (f) are required except that data elements paragraphs (e) and (f) may be reported as UNKNOWN if the information is missing or unavailable. The

percentage of UNKNOWN responses for any data element must not exceed 2 percent of total records, except that for measurement year 2005, the percentage of UNKNOWN responses for any data element must not exceed 5 percent of total records.

(a) Report the Florida company code assigned by the Florida Office of Insurance Regulation.

(b) Report the NAIC company code as assigned by the National Association of Insurance Commissioners.

(c) Report the measurement year in four digits.

(d) Designate the plan type as (1) health plan of health maintenance organization as defined under Chapter 641, Florida Statutes or (2) health plan of health insurer defined under Chapter 627, Florida Statutes.

(e) Report the county of record for the insured in text, capitalizing the first letter, without using abbreviations or the word "County." Report the insured's county of residence except for employer groups, report the county where the employer is located. Report Dade County as Miami-Dade.

(f) Designate covered benefits as (1) network or (2) no network. If the health plan conditions payment of covered benefits on the use of providers with whom the health insurer has entered into written agreements to provide such benefits by altering cost sharing or in any manner altering covered benefits, report (1). If the health plan does not condition payment of covered benefits on the use of providers who have entered into written agreements with the health insurer to provide such benefits by altering cost sharing or in any manner altering covered benefits, report (2) no network. Report responses as a single digit, 1 or 2.

(3) The health plan data shall be reported in a text file in the order described in (2) using a tab between each data element. Report each plan type in a separate file, appending data (a) through (f) for each insured to the corresponding survey data for the insured required in Rule 59B-14.004, F.A.C., starting a new line for each respondent as described in subsection 59B-14.004(7), F.A.C.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(l) FS. History—New _____.

59B-14.006 Health Plan Contact Information.

(1) Each health insurer shall include the following company and contact information when submitting a report required in this section to the Agency for Health Care Administration:

(a) Name of company;

(b) Florida company code assigned by the Florida Office of Insurance Regulation;

(c) NAIC company code as assigned by the National Association of Insurance Commissioners;

(d) Measurement year;

(e) Covered lives in Florida on December 31 of the measurement year;

- (f) Year beginning continuous license in Florida;
- (g) Company website;
- (h) Company telephone number;
- (i) Contact name;
- (j) Contact title;
- (k) Contact address;
- (l) Contact direct telephone number;
- (m) Contact e-mail address;
- (n) Contact FAX number;
- (o) Survey vendor name;
- (p) Survey vendor organization;
- (q) Survey vendor telephone number;
- (r) Auditor name;
- (s) Auditor organization;
- (t) Auditor telephone number; and
- (u) Designate plan type as (1) health plans of health maintenance organizations as defined under Chapter 641, Florida Statutes, or (2) health plans of health insurers defined under Chapter 627, Florida Statutes.

(2) The health insurer company contact information shall be reported in a text file as described in subsection 59B-14.004(8), F.A.C., using a tab between each data element.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(l) FS. History—New _____.

59B-14.007 Certification.

(1) Each health insurer shall provide certification that the survey in Rule 59B-14.004, F.A.C. was performed according to NCOA specifications and that the information submitted is true and accurate as provided in Section 408.061(1)(c), Florida Statutes.

(2) The certification shall be submitted to the Agency for Health Care Administration (agency) by July 1 of each year using the Certification of Health Plan Consumer Report form (HPCR-1) incorporated by reference. The HPCR-1 will be available from the agency website at: <http://ahca.myflorida.com/>. The signed Certification of Health Plan Consumer Report may be submitted electronically using a pdf file with a scanned signature.

Specific Authority 408.061(1)(c), 408.061(1)(e) FS. Law Implemented 408.05(3)(l) FS. History—New _____.

59B-14.008 Administrative Penalties.

(1) Failure to report as required in this section in whole or in part is subject to administrative fines as provided in Section 408.08(5), Florida Statutes, unless the health insurer has been granted an extension of up to 30 days by the Agency for Health Care Administrations for reasons of extraordinary or hardship circumstances such as a natural disaster or emergency event impacting the health insurer or the collection of data required in this section. Health insurers must request the extension, in writing, prior to the due dates specified in Rules 59B-14.004, and 59B-14.005, F.A.C.

(2) The Agency for Health Care Administration shall notify the Office of Insurance Regulation if a health insurer fails to report in whole or in part as provided in Section 408.08(4), Florida Statutes.

Specific Authority 408.061(1)(c), 408.061(1)(e), 408.08(4), 408.08(5), 408.15(11) FS. Law Implemented 408.05(3)(l) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Rawlins, Bureau Chief, State Center for Health Statistics
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2005

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004 and December 3, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed
RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to decrease the gross pilotage assessment.

SUMMARY: The proposed rule amendment decreases the gross pilotage assessment from 1.0% to 0.6%.

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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state six tenths of one percent (0.6%) (~~1.0%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting

which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Citations
RULE NO.: 61G15-19.0071
PURPOSE AND EFFECT: To increase the maximum fine listed under paragraph 61G15-19.0071(3)(a), F.A.C.
SUMMARY: To increase the maximum fine listed under paragraph 61G15-19.0071(3)(a), F.A.C.
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: 455.224, 455.225 FS.
LAW IMPLEMENTED: 455.224, 455.227, 471.023, 471.033 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.0071 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been duly certified. The fine shall be \$100 for each month or fraction thereof of said activity, up to a maximum of ~~\$5,000~~ ~~\$1,000~~. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) through (d) No change.

(4) through (7) No change.

Specific Authority 455.224, 455.225 FS. Law Implemented 455.224, 455.227, 471.023, 471.033 FS. History—New 4-2-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: General Responsibility
RULE NO.: 61G15-35.001
PURPOSE AND EFFECT: To clarify responsibilities incumbent on Professional Engineers offering Threshold Building Inspection services as stated in Chapter 553, F.S.
SUMMARY: To clarify responsibilities incumbent on Professional Engineers offering Threshold Building Inspection services as stated in Chapter 553, F.S.
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: 471.008, 471.033(2) FS.
LAW IMPLEMENTED: 471.015(7), 471.033, 471.045 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-35.001 General Responsibility.

Professional Engineers offering Threshold Building Inspection services pursuant to Section 553.79, F.S., shall provide inspections in accordance with the structural inspection plan provided by the engineer or architect of record to insure compliance with permitted documents. In addition to inspections in accordance with the structural inspection plan, the engineer shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring will inspect the shoring and reshoring for conformance with shoring and reshoring plans submitted to the enforcing agency.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 471.045 FS. History--New 3-21-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES: Disciplinary Guidelines Citation Authority

RULE NOS.: 61J2-24.001 61J2-24.002

PURPOSE AND EFFECT: The Board proposed to amend this rule to set out additional guidelines and penalties to be utilized in the practice of real estate.

SUMMARY: These rules set forth the disciplinary guidelines and penalties and citation authority for various offenses.

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: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 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 RULES IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-24.001 Disciplinary Guidelines.

(1) through (2) No change.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

(a) through (jj) No change.

(kk) 475.451 School teaching real estate practice fails to obtain permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission

(ll) 475.452 A broker contracts for or collects an advance fee for the listing of real property and fails to properly deposit 75 percent in a trust account according to Chapter 475, F.S., and rules adopted by the Commission.

(mm) 475.453 Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

(nn) 61J2-10.039, § 475.25(1)(c) Failure to produce records within 5 business days from receipt of request for inspection or audit or to maintain records as required.

(4)(a) through (6) No change.

RECOMMENDED RANGE OF PENALTY

(a) through (jj) No change.

(kk)(44) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 6 month suspension.

(ll)(mm) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 3 year suspension.

(mm)(nn) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 3 year suspension.

(nn) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 and up to a 3 month suspension.

Specific Authority 455.2273, 475.05 FS. Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History--New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 2-5-04,_____.

Specific Authority 475.05 FS. Law Implemented 455.224 FS. History--New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, 2-21-02, 2-5-04,_____.

61J2-24.002 Citation Authority.

(1) No change.

(2) The following violations with accompanying fine or other conditions may be disposed of by citation:

VIOLATION	FINE
(a) 475.180(2)(a) – a nonresident failed to file the required irrevocable consent form; a resident licensee who failed to notify the Commission of becoming a nonresident as prescribed	\$300.00 \$100.00
(b) through (q) No change.	
(r) 475.4511(2) – advertised false, inaccurate, misleading, or exaggerated information	\$500.00 100.00
(s) through (ee) No change.	
(ff) 61J2-14.012(2) – failed to properly reconcile an escrow account when the account balances and the 4 hour Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order	\$100.00
(gg) through (hh) No change.	
(ii) 61J2-17.012(1) and (3) – failed to maintain the course roster as required	\$300.00
(ii)(jj) 61J2-17.013(1) – guaranteed that a pupil would pass an examination; failed to register a school location	\$500.00
(jj) failed to register a school location	\$100.00
(kk) 61J2-17.014 – improper use of a guest lecturer	\$100.00
(ll) 61J2-17.015 – failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time	\$300.00
(mm) 61J2-10.038 – failed to notify the DBPR of any change in address of a branch office within 10 days of the change in the current mailing address 61J2-24.002(3)(y) failed to complete the 4 hour Instructional Program for Broker Management of Escrow Accounts within six (6) in addition months from the date the citation becomes a final order but the course is to penalty completed no later than twelve (12) months from the date the citation in original becomes a final order citation	\$1000.00 \$200.00

(3) through (5) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Division of Real Estate
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Division of Real Estate
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 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
Board of Nursing
RULE TITLE: Fees
RULE NO.: 64B9-7.001
PURPOSE AND EFFECT: To add to this rule a biennial renewal fee for certified nursing assistants to comply with statutory amendments.
SUMMARY: To add to this rule a biennial renewal fee for certified nursing assistants to comply with statutory amendments.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.
LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (14) No change.

(15) The biennial renewal fee for certified nursing assistant shall be twenty dollars (\$20) as provided in Section 464.203, F.S.

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History–New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: In-Service Training Requirements for Certified Nursing Assistants

RULE NO.: 64B9-15.011

PURPOSE AND EFFECT: To amend the time requirements of in-service training of Certified Nursing Assistants to comply with statutory amendments.

SUMMARY: To amend the time requirements of in-service training of Certified Nursing Assistants to comply with statutory amendments.

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

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 456.024, 464.203, 464.2085 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.011 In-Service Training Requirements for Certified Nursing Assistants.

(1) Each certified nursing assistant must complete a minimum of 12 ~~18~~ hours of in-service training each calendar year. For candidates certified during the calendar year, the minimum in-service hours required shall be prorated at the rate of 1.0 ~~1.5~~ hours per month from the month of initial certification to the end of the calendar year.

(2) through (6) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 456.024, 464.203, 464.2085 FS. History–New 5-25-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

**Section III
Notices of Changes, Corrections and
Withdrawals**

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

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.820
RULE TITLE: Maximum Management
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. 31, No. 15, (April 15, 2005), issue of the Florida Administrative Weekly:

33-601.820 Maximum Management.

(1) Definitions.

(a) through (d) No change.

(e) Maximum Management Review Team – refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is