

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Title Insurance Rates	69O-186.003
Classification of "Certificates of Title" as a Respective Type of Title Insurance Contract and Promulgation of a Specific Rate Schedule Applicable Thereto	69O-186.004
Premium Schedule Applicable to "Truth in Lending" and Other Endorsements	69O-186.005

**PURPOSE AND EFFECT:** To review title insurance rates and revise them if so warranted.

**SUBJECT AREA TO BE ADDRESSED:** Title Insurance Rates.

**SPECIFIC AUTHORITY:** 624.308, 626.9611, 627.777, 627.782, 627.7825 FS.

**LAW IMPLEMENTED:** 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845, 697.04(1) FS.

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

**TIME AND DATE:** 1:00 a.m., October 28, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Steve Alexander, Actuary, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: steve.alexander@fldfs.com.

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Filing, Approval of DMPO Plans, Rates and Related Forms	69O-203.204
Bundled Products	69O-203.205

**PURPOSE AND EFFECT:** To provide clarity of the information to be included in a filing when the DMPO plan includes other bundled services.

**SUBJECT AREA TO BE ADDRESSED:** Filing requirements for DMPO's submitting rates for review and approval of the Office.

**SPECIFIC AUTHORITY:** 636.232 FS.  
**LAW IMPLEMENTED:** 624.424(1)(c), 636.208, 636.216, 636.230 FS.

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

**TIME AND DATE:** 9:30 a.m., October 12, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Division of Cultural Affairs	IT-1.001

**PURPOSE AND EFFECT:** The purpose of the amendment will be to establish procedures and criteria for the Local Arts Agency and Statewide Service Organization programs.

**SUMMARY:** The proposed rule describes the programs for Local Arts Agencies and State Service Organizations, including eligibility, funding, definition, criteria and review.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** There are not regulatory costs associated with this proposed rule.

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

**SPECIFIC AUTHORITY:** 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b),(d), 265.2865(6), 265.51, 265.605(1), 2265.608, 265.609, 265.701(4), 265.702(8) FS.

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

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

TIME AND DATE: 9:00 a.m., Monday, October 17, 2005

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

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by October 10, 2005 if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: [ddemartino@dos.state.fl.us](mailto:ddemartino@dos.state.fl.us).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dana DeMartino, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (7) No change.

(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:

~~(a)(8)~~ Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

~~1.(a)~~ New applications will be reviewed for all eligible agencies on a three-year application cycle. New applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.

~~2.(b)~~ Funding categories. The following four categories will be used to determine funding eligibility:

~~a.1-~~ Pre-Level I has no minimum budget requirement. Organizations may only receive funding in this category once. Funding for Pre-Level is \$5,000 and will be awarded on a non-matching basis. The minimum grant request is \$1,500 and the maximum request is \$5,000.

~~b.2-~~ Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.

~~c.3-~~ Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.

~~d.4-~~ Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.

~~3.(e)~~ Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of community cultural leaders, arts administrators Florida Arts Council members, and other cultural professionals knowledgeable about community and cultural development local arts agencies. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:

~~a.1-~~ The agency's method for determining the needs of its community (Up to 20 points).

~~b.2-~~ The agency's goals and objectives and the general methods for meeting community needs as referred to in sub-subparagraph 3.a.1- (Up to 20 points).

~~c.3-~~ Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

~~d.4-~~ Agency's method for managing and evaluating specific activities described in criteria sub-subparagraphs 3.a.1- and b.2- Management areas addressed may include the roles of staff and board members; professional development opportunities; and areas of evaluation such as "customer surveys" and quantitative or qualitative performance measurements (Up to 20 points).

~~4.(d)~~ Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants' grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third

year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(b) State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that provides opportunities to strengthen and advance professionals working in the cultural industry and cultural institutions on a statewide basis. Statewide is defined as at least 50% of the state's population, or 34 or more Florida counties. Services, based on the organization's mission, may include, but are not limited to: ongoing statewide planning and assessment; promotion of the constituency including state service organization's membership; dissemination of topical information and information on available resources; representation of the constituency served; and educational, lifelong learning and networking opportunities. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Florida Arts Council. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by Division staff and recommended to the Council and the Secretary of State. Organizations are arranged in three clusters:

1. Cluster 1 organizations are those with a last completed fiscal year's operating budget of \$50,000 or less. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic or visioning plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

2. Cluster 2 organizations are those with a last completed fiscal year's operating budget of between \$50,001 and \$150,000. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's

membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, and networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 2 applicants will be expected to demonstrate more extensive services than Cluster 1; this is accomplished through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

3. Cluster 3 organizations are those with a last completed fiscal year's operating budget of \$150,001 or more. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 3 applicants will be expected to demonstrate more extensive services than Cluster 2; this is done through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

4. Designation Review Process: With the submission of required materials, the applicant will be assigned an application number. The Division will review each application and determine whether the information is complete and in compliance with eligibility requirements. Staff will then make designation and funding recommendations to the Florida Arts Council based on the eligibility requirements listed for each cluster. All applicants will be notified in writing of their eligibility status. The list of eligible applications and recommended funding will be presented to the Florida Arts Council for their approval and recommendation to the Secretary of State.

5. Funding: Designated state service organizations will receive annual funding, subject to appropriation, for a three-year review cycle. Organizations are clustered by size of budget and scope of programming into the three cluster levels described above. Upon designation, Cluster 1 organizations will receive a \$5,000 award minimum; organizations in

Clusters 2 and 3 will each receive an equal amount of funding within the total available budget with Cluster 3 receiving a higher amount than Cluster 2.

(9) through (21) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1)(4)(6), 265.286(2)(b)(d), 265.286(6), 265.51, 265.605(1), 2265.608, 265.609, 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.286(1), 265.286(5), 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dana DeMartino, Division of Cultural Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Gaylen Phillips, Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2005

DATE PROPOSED RULE DEVELOPMENT NOTICE PUBLISHED IN FAW: August 12, 2005

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Material Terms in Advertisements  
PURPOSE AND EFFECT: The purpose and effect of Rule 5J-14.001, F.A.C., is to define what material terms shall be required in any advertising copy for game promotion rules and regulations.

RULE NO.: 5J-14.001

SUMMARY: Rule 5J-14.001, F.A.C., sets material terms for game promotion rules and regulations to be used in advertising.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 849.094(8), 570.07(23) FS.

LAW IMPLEMENTED: 849.094(3) 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: 10:00 a.m., October 18, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.001 Material Terms in Advertisements.

For purposes of Section 849.094(3), Florida Statutes, any advertising copy shall include the following material terms in the game promotion's rules and regulations:

(1) Name of the operator and game promotion;

(2) That no purchase is necessary to enter or play the game promotion;

(3) Start and end dates for entering the game promotion, consistent with the official full rules and regulations, including exact times if applicable;

(4) Who is eligible or not eligible to participate in the game promotion, with respect to age or geographic location;

(5) Disclosure of where the game promotion is void.

Specific Authority 849.094(8), 570.07(23) FS. Law Implemented 849.094(3) FS. History—New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**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."

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Reimbursement Contract  
RULE NO.: 19-8.010

PURPOSE AND EFFECT: To discuss proposed amendments to Rule 19-8.010, F.A.C. and to the incorporated form, FHCF 2005-K, Reimbursement Contract.

SUMMARY: The proposed amendments to this rule (and the form incorporated therein) will reflect the changes in retentions pursuant to CS/SB 1486 which became law on June 1, 2005. These changes are already the subject of an emergency rule, Rule 19ER05-1, filed and effective on June 1, 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (10) No change.

(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2005K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006. Addendum No. 1 to the 2005-2006 Reimbursement Contract, which is called Form FHCF-2005K-1, “Reimbursement Contract (Contract) between (name of insurer) (the Company)/NAIC # ( ) and the State Board of Administration of the State of Florida (SBA) which Administers the Florida Hurricane Catastrophe Fund (FHCF)”, rev. 6/05, is hereby adopted and incorporated by reference into this rule.

(12) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, \_\_\_\_\_.

NAME PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005, Vol. 31, No. 24

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Standards for Processed  
 RULE CHAPTER NO.: 20-64

Citrus Products  
 RULE TITLE: Florida Quality Systems Certification Program  
 for Finished Product Inspection  
 RULE NO.: 20-64.025

PURPOSE AND EFFECT: New rule to be effective October 1, 2005, prescribing the Florida Quality Systems Certification Program for Finished Product allowing approved Florida citrus processors to qualify for an additional alternative audit-based inspection process.

SUMMARY: Provides Florida citrus processors an additional alternative audit-based inspection process in order to bring down the cost of finished product inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal Statement of Regulatory Cost has been prepared, however the Agency received testimony at its public workshop estimating substantial savings to processors are anticipated.

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: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27, 601.49, 601.51 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-64.025 Florida Quality Systems Certification Program for Finished Product Inspection.

(1) Effective December 15, 2005, the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables may approve registered citrus processing plants that apply and agree to comply with and qualify to operate under the terms of the Florida Quality Systems Certification Program (FOSC Program). The terms of such program are prescribed in the Florida Quality Systems Certification Program “Program

Description and Guidelines” published by the Florida Department of Agriculture and Consumer Services, dated xx-yy-zz, incorporated herein by reference, and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services. Plant personnel designated in accordance with such FQSC Program may, at his or her particular certified plant location, perform all inspection and grading activities outlined in the FQSC Program. For purposes of the FQSC Program and any rules or procedures implementing the FQSC Program, such plant personnel are deemed to be duly authorized inspectors of the Florida Department of Agriculture and Consumer Services.

(2) The Florida Quality Certification Program authorized by this rule shall be applicable to finished product inspection only, and is expressly not applicable to:

- (a) Inspection of fruit for maturity; and
(b) Inspection of imported product.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.10(7), 601.24, 601.27, 601.49, 601.51 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Designating Grade on Container, Registration of Labels for Grade, and Notice of Labeling – Processed Products
RULE CHAPTER NO.: 20-70

RULE TITLE: Notice Required
RULE NO.: 20-70.006

PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUMMARY: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.48 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-70.006 Notice Required.

Effective December 15, 2005, except for approved plants which operate under the Florida Quality Systems Certification Program, pursuant to Rule 20-64.025, F.A.C., and any rules or procedures adopted by the Florida Department of Agriculture and Consumer Services, every citrus processor shall advise the inspector on duty, or the Division of Fruit and Vegetable Inspection, at least 24 hours in advance of labeling lots of unlabeled merchandise that has been inspected and graded into Grade B, Grade C, or Substandard classification.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.11, 601.48 FS. History—Formerly 105-1.26, Revised 1-1-75, Formerly 20-70.06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Manifests for Processed Products
RULE CHAPTER NO.: 20-71

RULE TITLE: Manifest Requirements and Statements for Transports of Processed Citrus Products
RULE NO.: 20-71.006

PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUMMARY: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49, 601.51 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

With the exception of bulk citrus product shipments as specified in Rule 20-72.009, F.A.C., every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall indicate:

(1) through (5) No change.

(6) Effective December 15, 2005, approved processing plants under the Florida Quality Systems Certification Program authorized by Rule 20-64.025, F.A.C., and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services shall maintain manifests for purposes of audit under that program.

Specific Authority 601.10(1),(7), 601.11, 601.49, 601.51 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History--New 4-26-01, Amended 1-1-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
RULE CHAPTER NO.: 20-72

RULE TITLE: Hours of Inspection  
RULE NO.: 20-72.006

PURPOSE AND EFFECT: Amendment incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.

SUMMARY: Incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1),(7) FS.

LAW IMPLEMENTED: 601.02(4),(5), 601.10(7), 601.27, 601.31 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.006 Hours of Inspection.

Inspection service for processed citrus products shall be made available by the Department of Agriculture and Consumer Services upon request of the processor, without regard to the limitation of hours applying in the case of fresh citrus fruits. Effective December 15, 2005, with the exception of approved plants which operate under the Florida Quality Systems Certification Program pursuant to Rule 20-64.025, F.A.C., and any rules or procedures adopted by the Florida Department of Agriculture and Consumer Services, no citrus fruits or products shall be processed except in the presence of an inspector, or with his previous consent.

Specific Authority 601.10(1),(7) FS. Law Implemented 601.02(4),(5), 601.10(7), 601.27, 601.31 FS. History--Formerly 105-1.22(3), Revised 1-1-75, Formerly 20-72.06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
 RULE CHAPTER NO.: 20-72

RULE TITLE: Form of Certificate of Grade Inspection  
 RULE NO.: 20-72.008

PURPOSE AND EFFECT: Amendment clarifying Department of Agriculture.

SUMMARY: Amendment clarifying Department of Agriculture.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1), 601.9901 FS.

LAW IMPLEMENTED: 601.9901 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.008 Form of Certificate of Grade Inspection.

Certificates of grade inspection for certifying the grade of processed citrus products for which state standards have been established by the Department of Citrus, shall be in the form as prescribed by the Department of Agriculture and Consumer Services, or its agents.

Specific Authority 601.10(1), 601.9901 FS. Law Implemented 601.9901 FS. History—Formerly 105-1.22(4), Revised 1-1-75, Formerly 20-72.08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
 RULE CHAPTER NO.: 20-72

RULE TITLE: Issuance of Certificates Under FQSC Program  
 RULE NO.: 20-72.010

PURPOSE AND EFFECT: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SUMMARY: Prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.27 FS,

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.010 Issuance of Certificates Under FQSC Program. Effective December 15, 2005, certificates of inspection and certificates of grade issued at approved FQSC Program plants must be issued pursuant to the terms of the Florida Quality Systems Certification Program “Program Description and Guidelines” published by the Florida Department of Agriculture and Consumer Services, dated xx-yy-zz, incorporated herein by reference under the terms of Rule 20-64.025, F.A.C., and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services, and shall be on forms prescribed by the Florida Department of Agriculture and Consumer Services.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.27 FS. History—New \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 16, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 10, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Certified School Match Program  
RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Certified School Match Coverage and Limitations Handbook, January 2005. The revised handbook contains new speech therapy policy, fee schedule changes, and service reimbursement policy changes. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Certified School Match Coverage and Limitations Handbook, January 2005.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Certified School Match Coverage and Limitations Handbook, January 2005. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Certified School Match Coverage and Limitations Handbook, January 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 1011.70, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 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: 10:00 a.m., Monday, October 24, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Deb Vine, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7307

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, January 2005 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, 1011.70 FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, 10-28-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Deb Vine

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 13, 2005

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Citation Authority  
RULE NO.: 61J1-8.001

PURPOSE AND EFFECT: Update what violations may be disposed of by fines.

SUMMARY: The Florida Real Estate Appraisal Board needs to revise its list of violations that may be resolved by the issuance of citations. The Board also needs to update the citations in Rule 61J1-8.001, F.A.C., by changing statute and rule cites to comply with current statutes and rules.

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: 475.614 FS.

LAW IMPLEMENTED: 455.224, 455.275 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-8.001 Citation Authority.

(1) through (2)(a)4. No change.

(2)(a)5.a. Failing to register the name of the trainee supervising appraiser as required by Section 475.622(1), F.S. in subsection 61J1-7.007(1), F.A.C. \$500.00

b. Failing to register the name of the supervisory appraiser as required by Section 475.622(1), F.S. \$500.00

6.a. Failing to notify the department of the termination of the relationship with the supervising appraiser as required by Section 475.622(1), F.S. in subsection 61J1-7.007(1), F.A.C. \$300.00

b. Failing Section 475.624(18), F.S., and Rule 61J1-7.004, F.A.C. has failed to timely notify the department of any change in business location, or has failed to fully disclose all business location from which he operates as an appraiser as required by Section 475.624(18), F.S., and Rule 61J1-7.004, F.A.C. \$300.00

7. Failing to sign a certification pursuant to Section 475.624(14), F.S. \$300.00

8. Failing to state reporting options as required by Section 475.624(14), F.S. \$300.00

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275 FS. History—New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 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 TITLE: Biennial Licensing RULE NO.: 64B-9.001

PURPOSE AND EFFECT: To update the existing rule text.

SUMMARY: The rule is amended to include Certified Nursing Assistants in the renewal schedule with an odd year expiration date of December 31st.

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(1) FS.

LAW IMPLEMENTED: 456.004(1) 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: Stephanie Duhart, OMC Manager, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) through (3) No change.

(4) The schedule for biennial license renewal for each respective profession shall be as follows:

	EVEN YEARS	ODD YEARS
Acupuncturists	February 28	
Athletic Trainers	September 30	
Certified Master Social Workers		March 31
<u>Certified Nursing Assistants</u>		<u>December 31</u>
Chiropractic Physicians and Assistants	March 31	
Clinical Laboratory Personnel	August 31	
Clinical Social Workers		March 31
Consultant Pharmacists	December 31	
Dental Hygienists	February 28	
Dental Laboratories	February 28	
Dentists	February 28	
Dietitians/Nutritionists		May 31
Dispensing Opticians	December 31	
Electrologists	May 31	
Electrolysis Facilities	May 31	
Hearing Aid Specialists		February 28
Marriage and Family Therapists		March 31
Massage Therapists		August 31
Massage Establishments		August 31

Medical Doctors (Group I)	January 31	
Medical Doctors (Group II)		January 31
Medical Doctors – Public Psychiatry/Health Certificate	January 31	
Medical Doctors – Limited License	January 31	
Medical Doctors – Area of Critical Need	January 31	
Medical Physicists		January 31
Mental Health Counselors		March 31
Midwives		December 31
Naturopathic Physicians	September 30	
Nuclear Pharmacists	February 28	
Nurses Group I: Registered and Advanced Registered Nurse Practitioners	April 30	
Group II: Registered and Advanced Registered Nurse Practitioners	July 31	
Group III: Registered and Advanced Registered Nurse Practitioners		April 30
Licensed Practical Nurses		July 31
Nursing Home Administrators	September 30	
Occupational Therapists and Assistants		February 28
Optometrists		February 28
Optometrist Branch Offices		February 28
Orthotists & Prosthetists		November 30
Osteopathic Physicians	March 31	
Pharmacies		February 28
Pharmacists		September 30
Physical Therapists and Assistants		November 30
Physician Assistants	January 31	
Podiatric Physicians	March 31	
Psychologists	May 31	
Respiratory Care Practitioners		May 31
Respiratory Therapists		May 31
School Psychologists		November 30
Speech Language Pathologists/ Audiologists and Assistants		December 31

**EXTENSION OF BIENNIAL LICENSURE PERIODS –**  
When a current biennial licensure period for a profession is extended for a period longer than two years to conform to the above schedule of biennial periods, the biennial licensure fee for the profession shall be increased pro-rata to cover the additional extended period. The increased licensure fee shall be based on the biennial licensure fee established by the board. The amended licensure period and the pro-rated renewal fee shall be implemented for the purpose of restructuring the Department’s renewal schedule.

(5) No change.

Specific Authority 456.004(1) FS. Law Implemented 456.004(1) FS. History–  
New 11-5-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stephanie Duhart  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Amy Jones  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 10, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES:	RULE NOS.:
Patient Records; Transfer or Death of Licensed Practitioner	64B13-3.003
Minimum Equipment Requirements	64B13-3.004
Standards of Practice	64B13-3.010
Performance of Delegated Tasks by Non-Licensed Personnel	64B13-3.015

PURPOSE AND EFFECT: Rule 64B13-3.003, F.A.C. – To specify in this rule that the required signature of the licensed practitioner must be legible in making entries for each patient encounter; Rule 64B13-3.004, F.A.C. – To add an alternative to acceptable equipment; Rule 64B13-3.010, F.A.C. – To update the existing language in this rule and delete unnecessary language; Rule 64B13-3.015, F.A.C. – To update the existing language in this rule.

SUMMARY: Rule 64B13-3.003, F.A.C. – It is specified that the required signature of the licensed practitioner must be legible in making entries for each patient encounter; Rule 64B13-3.004, F.A.C. – An alternative to acceptable equipment is added; Rule 64B13-3.010, F.A.C. – The existing language in this rule is updated and unnecessary language is deleted; Rule 64B13-3.015, F.A.C. – The existing language in this rule is updated.

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: 456.058, 463.005(1) FS.

LAW IMPLEMENTED: 456.057, 456.058, 463.005(1), 463.009, 463.0135(1), 463.016(1) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-3.003 Patient Records; Transfer or Death of Licensed Practitioner.

(1) A licensed practitioner shall maintain full and independent responsibility and control over all records relating to his or her patients and his or her optometric practice. The licensed practitioner must legibly sign the entry for each patient encounter. All such records shall remain confidential except as otherwise provided by law and shall be maintained by the licensed practitioner in compliance with Rule 64B13-3.001, F.A.C. For the purposes of this rule, "maintain full and independent responsibility and control" means that the records shall be maintained in the licensed practitioner's office or solely in the possession of the licensed practitioner, and that the licensed practitioner shall not share, delegate, or relinquish either possession of the records or his or her responsibility or control over those records with or to any entity which is not itself a licensed practitioner.

(2) through (7) No change.

Specific Authority 456.058, 463.005(1)(a),(d) FS. Law Implemented 456.057, 456.058, 463.005(1)(a),(d) FS. History--New 11-13-79, Amended 12-19-84, 4-8-85, Formerly 21Q-3.03, Amended 12-16-86, 7-11-88, Formerly 21Q-3.003, 61F8-3.003, Amended 2-14-96, Formerly 59V-3.003, Amended 3-29-98, 4-3-00, 1-2-02, \_\_\_\_\_.

64B13-3.004 Minimum Equipment Requirements.

The following shall constitute the minimum equipment which a licensed practitioner must possess in each office in which he engages in the practice of optometry:

(1) through (3) No change.

(4) Ophthalmometer, ~~or~~ keratometer or corneal topographer;

(5) through (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1)(b) FS. History--New 11-13-79, Formerly 21Q-3.04, Amended 12-16-86, 7-11-88, Formerly 21Q-3.004, 61F8-3.004, 59V-3.004, Amended \_\_\_\_\_.

64B13-3.010 Standards of Practice for ~~Licensed~~ Optometrists.

(1) through (3) No change.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) through (b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation ~~or procedure is~~:

1. through 6. No change.

(5) through (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History--New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, \_\_\_\_\_.

64B13-3.015 Performance of Delegated Tasks by Non-Licensed Personnel.

(1) No change.

(2) Non-licensed personnel, who need not be employees of the licensed practitioner, may perform ministerial duties, tasks and functions assigned to them by and performed under the general supervision of a licensed practitioner, including obtaining information from patients ~~customers~~ for the purpose of making appointments for the licensed practitioner. Tasks and functions that may be performed shall include, but not be limited to, delivery of eyeglasses, selection of frames, adjustment of frames, and instruction for the insertion, removal and care of contact lenses. However, to ensure patient confidentiality of examination records in accordance with Section 456.057(5), Florida Statutes, a non-employee shall not be allowed to perform any task or function which would require or give them access to patient records or examination reports of any person without prior written authorization of that patient.

(3) through (4) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.009 FS. History--New 10-23-88, Formerly 21Q-3.015, 61F8-3.015, 59V-3.015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Manner of Application  
RULE NO.: 64B13-4.004

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

SUMMARY: The existing language in this rule is updated.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b),(2) FS.  
LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b),(2) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) Any person desiring to be a licensed practitioner shall apply to the department to take the licensure examination. The board will determine if an applicant qualifies for examination. The board will approve each applicant who:

- (a) No change.
- (b) Submits satisfactory proof that the applicant ~~he~~:
  1. through 2. No change.

3. Has graduated from a school or college of optometry approved by the board which has been accredited by the Accreditation Council on Optometric Education ~~of the American Optometric Association~~ (ACOE) and which remains accredited by ACOE. Provisional status accreditation shall meet the requirements of accreditation as used in this rule.

- 4. through 5. No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DPR-OPA-0001 effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) ~~As of July 1, 1989;~~ Each applicant for examination must complete an educational course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) approved by the Board of Optometry. To be Board approved an educational course on HIV/AIDS must:

- (a) through (c) No change.
- (4) through (5) No change.

Specific Authority 456.033, 463.006(1)(b),(2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b),(2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03,

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Criteria for Approval  
 RULE NO.: 64B13-5.002

PURPOSE AND EFFECT: The Board proposes to clarify the continuing education requirements.

SUMMARY: The continuing education requirements in this rule are clarified.

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: 463.005(1) FS.

LAW IMPLEMENTED: 463.007(4) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.002 Criteria for Approval.

- (1) No change.
- (2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified in subsection (4) below:

- (a) through (g) No change.
- (3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

- (a) through (b) No change.
- (c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent ~~or~~ educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.
- (d) through (e) No change.

(4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) through (g) No change.

(h) Notwithstanding paragraphs ~~(3)~~(a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized optometric organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized optometric organization and in compliance with paragraph (g) above.

(5) through (6) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Fees  
RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes to add a “retired-status fee” to this rule in accordance with 2005 statutory amendments.

SUMMARY: A “retired-status fee” is added to this rule in accordance with 2005 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), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (16) No change.

(17) The retired-status fee is \$50.00.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Citations  
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes to delete irrelevant term in this rule.

SUMMARY: Irrelevant term is deleted.

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: 456.077, 463.005 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) Definitions.

(a) No change.

(b) "Subject" means the licensee, ~~trainee~~, or applicant alleged to have committed a violation designated in this rule.

(2) through (5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Requirements and Restrictions for Mobile Branch Offices  
RULE NO.: 64B13-16.003

PURPOSE AND EFFECT: The Board proposes to clarify the requirements for mobile branch offices.

SUMMARY: The requirements in this rule for mobile branch offices are clarified.

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: 463.005(1)(a) FS.

LAW IMPLEMENTED: 463.001, 463.011 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.003 Requirements and Restrictions for Mobile Branch Offices.

Each licensed practitioner or certified optometrist using a mobile operation to practice optometry shall:

(1) through (6) No change.

(7) Meet all the requirements of Sections 463.0135 and 463.014, Florida Statutes, and Rule Chapter 64B13-3, Florida Administrative Code.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History—New 5-29-90, Formerly 21Q-16.003, 61F8-16.003, 59V-16.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

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

**DEPARTMENT OF REVENUE**

RULE NO.: 12A-19.072  
RULE TITLE: Certification of Service Address Databases  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to proposed new Rule 12A-19.071, F.A.C., published in the July 22, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 29, pp. 2586-2597.

In response to written comments received from Ms. Sharon Fox, City of Tampa, regarding the changes to paragraph (a) of subsection (2) of Rule 12A-19.072, F.A.C., as published in the September 16, 2005, issue of the Florida Administrative Weekly, that paragraph has been changed, so that, when adopted, that paragraph will read as follows:

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (R. 08/26/05, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdictions may access the login screen for registered users at <http://geotax.state.fl.us/dorPubIdx.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).