

PURPOSE, EFFECT AND SUMMARY: The purpose is to clarify the reference to a master list of approved endorsements may only be issued in conjunction with a mortgage title insurance policy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.777, 627.782 FS.

LAW IMPLEMENTED: 624.307(1), 627.777, 627.782, 697.04(1) 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: 9:30 a.m., July 13, 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 IS: Peter Rice, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: peter.rice@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.005 Premium Schedule Applicable to "Truth in Lending" and Other Endorsements.

(1) through (7)(d) No change.

(e) Specific endorsements may be issued by reference to a master list of approved endorsements and have the same validity as if issued individually on each transaction so long as the language in the endorsement specifically conforms without any additions or deletions to the endorsement language as set forth in this section. Any such master list of approved endorsements shall only be issued in conjunction with a mortgage title insurance policy.

(8)(a) through (f) No change.

(g) Contiguity Endorsement – The Contiguity Endorsement (Florida) shall conform to the following endorsement language:

"1. The Company insures the Insured herein against loss or damage by virtue of any inaccuracy in the following statement, to wit: Parcel ____ of the legal description and Parcel ____ of the legal description are contiguous to each other along the ____ line of Parcel ____ 4 and ____ line of Parcel ____ 2, and, taken as a tract, constitute one Parcel of land.

2. No change.

(h) through (l) No change.

(9) through (16) No change.

Specific Authority 624.308, 627.777, 627.782 FS. Law Implemented 624.307(1), 627.777, 627.782, 697.04(1) FS. History–New 9-17-71, Repromulgated 12-24-74, Formerly 4-21.05, Amended 6-25-86, 2-26-90, 2-27-91, Formerly 4-21.005, Amended 2-13-95, Formerly 4-186.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Rice, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE NOS.:

59A-8.0086

59A-8.0245

RULE TITLES:

Denial, Suspension, Revocation of
License and Imposition of Fines

Advance Directives

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The changes are made because the Agency's Acting General Counsel determined that the Agency does not have legal authority to enforce the proposed rule provisions below.

The changes are as follows:

59A-8.0086

~~(5) A fine of \$2,500 shall be assessed against providers determined by AHCA to be operating without a valid license that fail to cease operating until licensed by AHCA as required in section 400.474, F.S.~~

59A-8.0245

(2) The home health agency's policy shall include:

(a) Providing each adult patient, in advance of receiving services, with a copy of "Health Care Advance Directives – The Patients' Right to Decide", as prepared by the Agency for Health Care Administration, revised February, 2004 and available at http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/HC_Advance_Directives, which is hereby incorporated by reference, or with a copy of a document drafted by a person or organization other than AHCA which is a written description of Florida's state law regarding advance directives;

(b) Providing each adult patient, in advance of receiving services, with written information concerning the home health agency's policies respecting advance directives; and

(c) The requirement that documentation of whether or not the patient has executed an advance directive shall be contained in the patient's medical record and not kept solely at another location in the agency. If an advanced directive has been executed, a copy of that document shall be made a part of the patient's medical record ~~and a copy shall be kept in the patient's home~~. If the home health agency does not receive a copy of the advanced directive for a patient, the agency must document that it has requested a copy in the patient's record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32399-3253, e-mail: menarda@ahca.myflorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-32.001	Issuance of Citations
61-32.003	Guidelines for Issuing Citations for Unlicensed Practice of a Profession

NOTICE OF CHANGE

In response to comments of the Joint Administrative Procedures Committee, the Department has made the following changes to the language of the proposed rule published in Vol. 31, No. 17, April 29, 2005 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gail Scott-Hill, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61-32.001 Issuance of Citations.

(1) No change.

(2) Citations shall be issued by the Division of Regulation in accordance with the following procedures:

(a) ~~In lieu of an administrative complaint, Citations may be issued upon the initiative of the department~~ Citations may issue a citation based upon a based-upon-a-citationable violation of Chapter 455, Florida Statutes, or the applicable practice act, which has been designated by rule or statute as an offense for which a citation may be issued. The Department may also issue a citation following receipt and investigation of a completed Citations may also be issued in response to receipt of a completed DBPR Uniform Complaint Form (UCF) Form DBPR/REG 001, incorporated herein by reference and effective 7/93, This form can be obtained by writing the Department of Business and Professional Regulation, Division of Regulation, Office of Central Complaints, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0782.

(b) The citation shall be served on the subject by personal service or by U.S. Mail, certified with return receipt, and if initiated by a consumer complaint, the complainant shall be notified by letter that a complaint has been opened.

(c) Citations shall be issued to the subject and shall contain the subject's name and address, the subject's license number if licensed, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure set forth in Florida Statutes, § 455.225.

(3) No change.

(4) Once a citation has become a Final Order, it shall be filed in accordance with procedures established for the filing of final orders by board rule or department rule, whichever is appropriate.

(a) Citations which have become final orders shall be closed under the computer code "R 32".

(5) through (6) No change.

Specific Authority 455.201, 455.203(5), 455.224, 455.228 FS. Law Implemented 455.224, 455.228 FS. History—New 1-6-92, Formerly 21-32.001, Amended 6-19-95, _____.

61-32.003 Guidelines for Issuing Citations for Unlicensed Practice of a Profession.

(1) Citations imposing a designated fine may be issued to persons unlicensed by the Department for the violations listed below, under the following conditions: (a) There has been no prior citation, final order, or Notice and Order to Cease and Desist issued to the subject; and (b), there is no evidence of consumer harm in the current case; and (c), the subject has not previously held a license to practice the activity at issue.

(2) The Department may issue citations in lieu of administrative complaints ~~Citations may be issued~~ for the following unlicensed activities and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice a profession, provide a service, or engage in an activity that requires licensure by the department. CITATION PENALTY: A fine of \$1000 and costs of the investigation.

(b) Contracting to perform or performing a service, or offering a bid to engage or engaging in a practice, that requires licensure by the department. CITATION PENALTY: A fine of \$2500, and costs of investigation.

(3) All citations issued under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by § 455.228(1), F.S.

(4) Citations for unlicensed practice of a profession shall be either hand-served or served by certified mail and shall include the following information:

(a) Subject's full name, age and date of birth.

(b) Subject's driver's license number, or any other identifying information.

(c) Subject's current residence address.

(d) A brief factual statement of the activity engaged in, the provision of law requiring licensure, and the penalty imposed.

(e) A statement that, in lieu of the citation, the subject may choose the administrative procedures in § 455.225, F.S.

Specific Authority 455.228(3)(a) FS. Law Implemented 455.224, 455.228 FS. History—New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:

64B5-4.002

RULE TITLE:

Advertising and Soliciting by
Dentists

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 21, May 27, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NO.:

64B11-4.005

RULE TITLE:

Citations

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. 4, of the January 28, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 16, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

64B11-4.005(4)(d) shall read: "First time failure to complete required continuing education hours, which includes but is not limited to required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. The fine shall be \$50.00 per hour for each hour of deficiency, up to a maximum fine of \$1000.00. In addition, licensees shall, make up the deficient continuing education and take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium. All such made up continuing education hours and additional continuing education hours shall be completed and documentation of same shall be provided to the department within 90 days of the date the citation is filed."

64B11-4.005(4)(e) shall read: "Failure to timely respond to a continuing education audit/pre-audit request as required by subsection 64B11-5.001(7) F.A.C., for which the Board shall impose a penalty of \$50.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Board of Occupational Therapy Practice**

RULE NO.: 64B11-5.003
 RULE TITLE: Requirements for Reactivation of
 an Inactive License

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. 10, of the March 11, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 16, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

64B11-5.003(1)(b) shall read: "unless exempted by subsection 64B11-5.001(8), F.A.C., completed 26 hours of approved continuing education for each full biennium in which the license was in an inactive status and for the last biennium in which the licensee held an active status license."

64B11-5.003(1)(c) in the second sentence, take out the phrase "13 total yearly or"

64B11-5.003(2) shall read: "A Licensee may perform no more than twelve (12) hours of continuing education as home study education for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Division of Family Health Services**

RULE CHAPTER NO.: 64F-11
 RULE CHAPTER TITLE: Volunteer Health Care Provider
 Program

RULE NOS.: 64F-11.001
 RULE TITLES: Definitions
 64F-11.002 Client Eligibility
 64F-11.003 Patient Selection and Referral
 64F-11.004 Volunteer Provider Eligibility
 64F-11.005 Contract Requirements
 64F-11.006 Covered Services
 64F-11.009 Annual Report

NOTICE OF CORRECTION

The above-proposed rules published in the May 6, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 18, stated the date notice of proposed rule development was published in the FAW was on "March 15, 2005". The date notice of proposed rule development was published in the FAW should have read "February 25, 2005".

The forgoing correction does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Mark Lundberg, Director Volunteer Health Service Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, FL 32399-1743

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Contract
 RULE NO.: 19ER05-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2005 Legislature passed CS/ for SB 1486 and the Governor signed the bill on June 1, 2005. This legislation affects the Reimbursement Contract and specifically impacts retentions outlined in the Contract. The Contract must contain the new changes to the law before a hurricane necessitates the implementation of the new statutory provisions. The hurricane season begins on June 1, 2005; therefore emergency rulemaking is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Prior to the passage of the law, the Florida Hurricane Catastrophe Fund Advisory Council discussed the issue in a public meeting and the FHCF placed a notice in the FAW stating that it intended to seek permission to file emergency rules at the meeting of the Trustees of the State Board of Administration of Florida (SBA) on June 1, 2005. The Advisory Council meeting and the meeting of the Trustees were noticed and open to the public. In addition, the proposed emergency rule and the incorporated form was placed on the FHCF website.

SUMMARY OF THE RULE: Rule 19ER05-1, is titled "Reimbursement Contract". Subsection (11) of this rule incorporates the reimbursement contract for the 2005-2006 contract year. This paragraph has been amended to show that the Reimbursement Contract has been amended.

Article V(28) of the Reimbursement Contract has been rewritten to reflect the retention changes made by CS/SB 1486. References to this new language in Article V(28) of the Reimbursement Contract have been added to Articles IV(1)