

(c) Assignment to Florida as part of a training program to operate as an EMT.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History--New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Consumer Services

RULE TITLES: Registration

RULE NOS.: 5J-12.002

Educational Assistance Program

5J-12.005

PURPOSE AND EFFECT: The purpose and effect for subsection 5J-12.002(2), F.A.C., relating to Registration is to delete outdated language no longer applicable to the registration process. Rule 5J-12.005, F.A.C., initiates rules relating to the Educational Assistance Program.

SUMMARY: Subsection 5J-12.002(2), F.A.C., deletes the language relating to occupational license numbers and Rule 5J-12.005, F.A.C., establishes new rules for the Educational Assistance Program.

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: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

IF REQUESTED WITHIN 21 DAYS 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 11, 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 RULES 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 RULES IS:

5J-12.002 Registration.

(+) No change.

~~(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), F.S.~~

~~(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.~~

~~(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.~~

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, \_\_\_\_\_.

#### 5J-12.005 Educational Assistance Program.

(1) Definitions: For the purposes of Rule 5J-12.005, F.A.C., the following terms shall have the following meanings:

(a) "Technical Training" means training specifically related to mechanical and collision repairs and service.

(b) "Sponsored by" means financially supported or underwritten in whole or in part.

(c) "Instruction" means any coursework, seminar, in-service training, or other such program which is open to the public.

(d) "Educational institution" means an institution or organization described in Section 212.08(7)(cc)8.a., F.S.

(e) "Common ownership" means:

1. For an individual, the same individual or spouse of the same individual.

2. For a corporation or other entity created and existing by operation of law, one-half or more of the shares or other ownership interest in the entity are owned, controlled, or held for the benefit of the same person or individual or spouse of the same individual.

3. For a partnership, one-half or more of the partners are the same.

(2) Any motor vehicle repair shop that holds a current valid registration issued by the Department under the Motor Vehicle Repair Act and is not subject to any open enforcement proceedings by the Department, may apply for financial assistance for employees of the shop to undertake technical training or courses of study in motor vehicle repair. The shop shall use form DACS 10910, Educational Assistance Application, Motor Vehicle Repair Act, effective 8/05, hereby incorporated by reference. Copies of this form may be obtained

from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(3) The Educational Assistance Application form must be sent to the following address for review: Florida Department of Agriculture and Consumer Services, Division of Consumer Services, MVR Educational Assistance Program, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500. The deadline for submitting an application shall be May 1st for each fiscal year in which funds are appropriated and available for this program.

(4) Upon receipt of an Educational Assistance Application, the Department shall disburse educational assistance funding if the applicant meets the requirements set forth in this rule and maintains a current valid Motor Vehicle Repair registration under the Motor Vehicle Repair Act. The Department shall disburse financial assistance funds on a "first come, first serve" basis upon the receipt of a complete and valid application.

(5) Educational assistance funding shall be limited to \$1,000 per registered location per fiscal year, or a maximum of \$3,000 to a single shop owner with multiple locations and common ownership.

(6) Educational assistance funds shall only be used to pay for the cost of technical training or courses of study in motor vehicle repair and shall not be used to pay for travel or other expenses.

(7) To be eligible for educational assistance, the technical training or course of study must be related to motor vehicle repair in one of the following areas:

(a) The repair or installation of parts or accessories to a motor vehicle.

(b) Product and technical training related to tires.

(c) Customer sales and service.

(d) Motor vehicle repair management training.

(e) Motor vehicle body and collision repair.

(f) Motor vehicle painting.

(8) The instruction of technical training or courses of study must be open to the public and sponsored or offered by one of the following:

(a) An industry recognized entity including but not limited to the following:

1. Advance Auto Parts, Inc.;

2. Alliance of State Automotive Aftermarket Associations;

3. American Engine Rebuilders Association;

4. Any Motor Vehicle Manufacturer as defined in Section 320.60, F.S.;

5. Auto Value, Inc.;

6. Auto Zone Stores, Inc.;

7. Automatic Transmission Rebuilders Association;

8. Automotive Recyclers Association;

9. Automotive Service Association;

10. Automotive Training Institute;

11. Aftermarket Auto Parts Alliance, Inc. (Bumper to Bumper);

12. Delco Auto Parts, Inc.;

13. Delphi Corporation;

14. Florida Auto Dismantlers and Recyclers Association;

15. Florida Automotive Dealers Association;

16. Florida Automotive Industry Association;

17. Florida Automotive Trades Association;

18. Florida Independent Automobile Dealers Association, Inc.;

19. Florida Motorcycle Dealers Association, Inc.;

20. Mobile Air Conditioning Society Worldwide;

21. Motorcraft;

22. NAPA, Inc.;

23. National Automobile Dealers Association, Inc.;

24. National Automotive Radiator Service Association;

25. National Institute for Automotive Service Excellence;

26. O'Reilly Automotive, Inc.;

27. R.L. O'Connor and Associates, Inc.;

28. Society of Collision Repair Specialists;

29. Tire Industry Association;

30. Visteon Corporation;

(b) An Educational Institution.;

(c) An instruction of technical training or course of study not specified above in this section may be submitted for review and approval by the Division. The proposed instruction shall be submitted to the Division at the address specified above in subsection (3). The Division shall submit the proposal to the Motor Vehicle Repair Advisory Council for review and advice before determining whether to approve the proposed instruction.

(9) To be eligible for educational assistance, the technical training or course of study must consist of a minimum 2 hours of instruction.

(10) All technical training or courses of study in motor vehicle repair must be completed within 12 months after the department has disbursed the financial assistance funding.

(11) The motor vehicle repair shop shall submit to the department proof of attendance and completion by its employee(s) within 30 days after the technical training or course of study has been completed. The shop shall use form DACS 10911, Educational Assistance Program Proof of Training, Motor Vehicle Repair Act, effective 8/05, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(12) The completed Educational Assistance Program Proof of Training form must be sent to the address specified above in subsection (3).

(13) Any educational assistance funding received by a shop may be applied to any technical training or course of study that meets the eligibility requirements contained in this rule if the training or course listed in the shop's original application is cancelled. Such alternative training or course of study must meet all other requirements of this rule.

(14) Any educational assistance funding received by a shop may be applied retroactively to pay for technical training or course of study that is undertaken within the same fiscal year that the funding is dispersed by the Department.

(15) Refund of education assistance funds. Applicants shall refund motor vehicle repair education assistance funds to the Department under the following conditions:

(a) If an applicant's registration becomes expired, suspended, or revoked, that motor vehicle repair shop shall immediately refund any unused educational assistance funding to the Department within 30 days of said registration becoming expired, suspended or revoked.

(b) Any unused funds shall be refunded to the Department within 15 days from the end of 12 months from the date the funds are disbursed if the training or course of study is cancelled, not completed, or the specified employees of the applicant do not attend the training or course of study within the 12-month period.

Specific Authority 570.07(23) FS. Law Implemented 559.922 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 10, 2005

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
Operational Procedures

RULE CHAPTER NO.:

9B-3

RULE TITLE: State Building Code Adopted

RULE NO.:

9B-3.047

PURPOSE, EFFECT AND SUMMARY: To accept comment on specific authorities and responsibilities delegated to the Commission by Chapter 2005-147, Laws of Florida.

Additionally, the Commission shall take comment identifying modifications that occurred during correlation and publication of the Code limited only those changes in text not reflected on the Commission's tracking charts and supporting materials circulated prior to adoption. Upon the close of public comment, the Commission shall review comments and staff recommendations regarding the foregoing subjects and develop code changes responsive to those actions for which action is legislatively required and those that achieve consensus among the Commissioners.

Lastly, the Commission will consider a conforming amendment to that adopted to Rule 9B-3.050, F.A.C., concerning the form on which proposed code amendments are submitted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.73(1),(2),(7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2),(3),(7),(9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida.

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: 9:10 a.m., October 11, 2005

PLACE: Rosen Centre, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as updated by the Florida Building Commission on July 1, 2005, is hereby adopted as the Florida Building Code, 2004 edition, as amended by the Commission on \_\_\_\_\_, and incorporated by reference is hereby adopted as the building code for the State of Florida.

(2) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on the form adopted by reference in subsection 9B-3.050(4), Florida Administrative Code, that Form No. 2000-01, which the Commission hereby incorporates by reference, effective 11-28-00. Form No. 2000-01 must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided ~~on Form No. 2000-01~~ in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted. Copies of the form Form No. 2000-01 may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.73(1),(2),(7) FS, Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, 553.73(1),(2),(7) FS, Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, \_\_\_\_\_.

NOTE: The following sections of the Code have been amended by action of the Commission as a result of public comment at the Rule Development Workshop held on August 24, 2005. Please contact the Codes and Standards Section of the Department of Community Affairs as provided in this Notice for the full text of the amendments.

#### BUILDING VOLUME

##### Chapter 1, Administration

The following sections are amended in the code:

105.4.1 (Permit intent), 109.3 (Required inspections)

##### Chapter 2, Definitions

The following section is amended in the code:

202 (Definitions)

##### Chapter 4, Special Detailed Requirements Based on Use and Occupancy

The following sections are amended in the code:

404.4 (Smoke control), 406.3.9 (Standpipes), 423.8.2 (Space standards), 423.11 (Wood fire-retardant treated wood (FRTW)), 423.14.1 (Master control switch), 423.19.1 (General), 423.26.3.2 (Door requirements); 424.2.17.1.9 (Outdoor swimming pools).

##### Chapter 5, General Building Heights and Areas

The following sections are amended in the code:

505.2 (area limitation).

##### Chapter 10, Means of Egress

The following sections are amended in the code: 1008.1.6 (Thresholds), 1009.3 (Stair treads and risers), 1009.3.1 (Dimensional uniformity), 1009.4 (Stairway landings), 1009.7 (Circular stairways), 1009.11 (Handrails), 1009.11.1 (Height), Table 1014.1 (Spaces with one means of egress), 1014.2.1 (Two exits or exit access doorways), Table 1015.1 (Exit access travel distance), 1031.3 (Travel distance).

##### Chapter 11, Accessibility

The following sections are amended in the code:

11-9.2 (Requirements for accessible units, sleeping rooms and suites), Figure 28 (Clear floor space at water closets).

##### Chapter 13, Energy Efficiency

The following sections are amended in the code:

13-301.0 (Referenced standards and organizations), Appendix 13-D, Form 600A (Residential whole building performance Method A).

##### Chapter 14, Exterior Walls

The following sections are amended in the code:

1403.2 (Weather protection), 1403.9 (Drained wall assembly over mass wall assembly), 1404.2 (Water-resistive barrier), 1404.2.1 (cement plaster).

##### Chapter 15, Roof Assemblies and Rooftop Structures

The following sections are amended in the code:

Table 1503.2 (Metal flashing material), 1507.3.7 (Attachment), 1507.3.8 (Application), 1507.3.9 (Flashing), 1507.9.2 (Deck slope), 1521.4 (reroofing).

##### Chapter 16, Structural Design

The following sections are amended in the code:

Figure 1609.6B (Main wind force loading diagram)

##### Chapter 17, Structural Tests and Special Inspections

The following sections are amended in the code:

1714.5.2.1 (Testing and labeling), 1714.5.2.1.1 (Test and labeling of skylights), 1714.5.3 (Exterior door assemblies), 1714.7 (Installation instruction for exterior windows and doors).

##### Chapter 23, Wood

The following sections are amended in the code:

Table 2304.7(3) (Allowable Spans and Loads for Wood Structural Panel Sheathing and Single Floor Grades Continuous over Two or More Spans with Long Panel Dimension Perpendicular to Supports), Table 2304.7(5) (Allowable Load (PSF) for Wood Structural Panel Roof Sheathing Continuous over Two or More Spans and Strength Axis Parallel to Supports (plywood structural panels are 5-ply, 5-layer unless otherwise noted), Table 2404.9.1 (Fastening Schedule).

##### Chapter 24, Glass and Glazing

The following sections are amended in the code:

2405.5 (Unit skylights)

##### Chapter 26, Plastic

The following section is amended in the code:

2612.2 (Definitions)

##### Chapter 30, Elevators and Conveying Systems

The following sections are amended in the code:

3007 (Elevator accessibility requirements for the physically handicapped)

##### Chapter 31, Special Construction

The following sections are amended in the code:

3113 (Airport noise study guidelines)

## Chapter 35, Referenced Standards

The following standard-promulgating organizations' listings are amended in the code:

AAMA (American Architectural Manufacturers Association), ASCE/SEI (American Society of Civil Engineers), DOT (Department of Transportation), FRSA (Florida Roofing, Sheet Metal and Air Conditioning Contractors Association).

## Index

The following sections are amended in the code: AISLE (checkout), NOISE (airport)

## FUEL GAS VOLUME

## Chapter 5, Chimneys and Vents

The following sections are amended in the code:

503.8 (Venting system termination location).

## PLUMBING VOLUME

## Chapter 3, General Regulations

The following sections are amended in the code:

312.9.1 (Inspections)

## Chapter 4, Fixtures, Faucets &amp; Fittings

The following sections are amended in the code:

Table 403.1 (Minimum number of required plumbing fixtures)

## Chapter 7, Sanitary Drainage

The following sections are amended in the code:

701.2 (Sewer required)

## RESIDENTIAL VOLUME

## Chapter 2, Definitions

The following section is amended in the code:

202 (Definitions)

## Chapter 3, Building and Planning

The following section is amended in the code:

R301.1 (Design), R301.2.1.1.1 (Design), R308.6.9 (Testing and labeling), R311.4.3 (Landings at doors), R311.5.3.2 (Tread depth), R311.5.3.3 (Profile), R311.5.4 (Landings for stairways), R311.5.8.1 (Spiral stairways), R311.5.8.3 (Circular stairways), R320.7 (Protection against decay and termites), R320.8 (Preparation of building site and removal of debris), R325.1 (Airport noise study guidelines).

## Chapter 6, Wall Construction

The following section is amended in the code:

R613.7.5 (Installation instruction for exterior windows and doors).

## Chapter 7, Wall Covering

The following section is amended in the code:

R703.1 (General), R703.2.1 (Weather-resistant sheathing paper), Table R703.11 (Minimum thickness of weather coverings), R703.12 (Drained assembly wall over mass assembly wall).

## Chapter 8, Roof-Ceiling Construction

The following section is amended in the code:

R806.4 (Conditioned attic assemblies).

## Chapter 9, Roof Assemblies

The following sections and table are amended in the code:

R902.1 (Roof covering materials), Table 903.1 (Metal Flashing Material), R905.3.2 (Deck slope), R905.3.7 (Application), and R905.3.8 (Flashing).

## Chapter 25, Plumbing Administration

The following section is amended in the code:

P2503.7.2 (Testing).

## Chapter 41, Swimming Pools

R4101.17.1.9 (barriers).

## Chapter 43, Referenced Standards

The following standard-promulgating organizations' listings are amended in the code:

AAMA (American Architectural Manufacturers Association), ASCE/SEI (American Society of Civil Engineers), ASTM (American Society of Testing Materials), DOT (Department of Transportation), FRSA (Florida Roofing, Sheet Metal and Air Conditioning Contractors Association), NFPA (National Fire Protection Association).

## Chapter 44, High-Velocity Hurricane Zones

R4402.10.4 (reroofing), R4409.13.3.2.5 (Conditioned attic assemblies), R4412.1.2 (Definitions; Approved Plastics).

## Index

The following sections are amended in the code: NOISE (airport), TERMITES.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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."

**COMMISSION ON ETHICS**

RULE TITLE: List of Forms and Instructions  
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, F.A.C.

SUMMARY: CE Forms 1, 6, 1F, and 6F will be affected by this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., October 14, 2005

PLACE: The Knott Building, Room 412, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, Tallahassee, FL, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2006 ~~1/2005~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2006 ~~1/2005~~.

(d) through (n) No change.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2006 ~~1/2005~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2006 ~~1/2005~~.

(q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2006

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Senior Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Philip G. Claypool, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2005

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

**DEPARTMENT OF ELDER AFFAIRS**

**Statewide Public Guardianship Office**

RULE CHAPTER TITLE: Guardianship  
RULE CHAPTER NO.: 58M-2

RULE TITLES: Professional Guardian Registration  
RULE NOS.: 58M-2.001

Registration for Employees with Fiduciary Responsibilities 58M-2.002

Professional Guardian Coursework and Competency Examination 58M-2.003

Confidentiality 58M-2.005

Denial of Professional Guardian Registration 58M-2.007

PURPOSE AND EFFECT: The purpose of the proposed rules is to revise and clarify the requirements for professional guardianship registration and to conform the rules to changes in Chapter 744, F.S.

SUMMARY: The proposed rule amendments bring the rules into compliance with changes that have been made to the related statutes as well as provide a mechanism to more effectively and efficiently register professional guardians.

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: 744.1083(6) FS.

LAW IMPLEMENTED: 744.1083, 744.1085, 744.3135, 744.102(16) 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: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 58M-2.001 follows. See Florida Administrative Code for the present text.)

58M-2.001 Professional Guardian Registration.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver from the Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) before the application for registration will be considered.

(1) A person serving as a guardian in the State of Florida must be registered as a professional guardian prior to submitting an application for appointment as guardian to a Florida court for the guardian's third case involving monetary compensation for services rendered to a ward.

(2) An applicant required to register with SPGO as a professional guardian must complete the Professional Guardian Registration Form, DOEA/SPGO Form 001, with all requested information. The Professional Guardian Registration Form, DOEA/SPGO Form 001, effective July 2005, is incorporated herein by reference and can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at <http://elderaffairs.state.fl.us>.

(3) The Professional Guardian Registration Form shall be signed by the applicant (or corporate officer if the applicant is a corporation).

(4) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, by hand-delivery or mail. No facsimile submissions will be accepted.

(5) The following items must either accompany the form or must be on file with SPGO for the application to be deemed complete:

(a) Credit history for guardians as specified in Section 744.3135, F.S. At the applicant's request, SPGO will complete the credit history and may charge an additional registration fee of \$5.00 per credit history check.

(b) Criminal history for guardians as specified in Section 744.3135, F.S.

(c) Documentation of bonding as specified in Section 744.1085, F.S.:

(d) For initial registration, a copy of the certificate of attendance for the required professional guardian instruction and training. Thereafter, copies of certificates of attendance for continuing education unit requirements;

(e) A registration fee not to exceed one hundred dollars (\$100) in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office.

(f) Employee/Prospective Employee Registration Form(s), if applicable.

(6) An applicant required to register with SPGO as a professional guardian must submit the Professional Guardian Registration Form to SPGO with the registration fee annually.

(a) The registration period begins the day the application is approved by SPGO and ends on the bond anniversary date.

(b) SPGO may prorate by 50% registration fees for initial registrations that will expire in less than 6 months.

(c) An applicant shall submit annual registration materials to SPGO no later than 30 days prior to the applicant's bond anniversary date to ensure continued registration.

(7) SPGO will issue the annual registration license to the applicant upon approval.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New 5-4-03, Amended \_\_\_\_\_.

58M-2.002 Registration for Employees with Fiduciary Responsibilities.

(1) An employee of a professional guardian who has been assigned fiduciary responsibilities is considered as an individual who holds a position of trust and confidence to the ward; or who is obligated by virtue of the guardianship relationship to protect and preserve the ward's property; and who has access to the ward's personal identifiable information. This does not include persons performing services on behalf of a ward pursuant to a contract with the guardian, such as independent contractors or persons performing services on a volunteer basis.

(a) Employees with assigned fiduciary responsibilities must be registered by SPGO prior to assuming fiduciary responsibilities.

(b) A professional guardian applicant, who has employees with assigned fiduciary responsibilities, shall submit the Employee/Prospective Employee Registration Forms, DOEA/SPGO 002, as specified in the following subsections (2) through (4) of this rule.

(c) If a professional guardian hires an employee with assigned fiduciary responsibilities during the professional guardian's registration period, then the professional guardian shall submit the registration form for the new employee for

approval, as specified in the following subsections (2) through (4) of this rule, prior to the employee assuming any fiduciary responsibilities.

(2) Applicant employees with fiduciary responsibilities shall complete and sign the Employee/Prospective Employee Registration Form, DOEA/SPGO 002, with all requested information. The Employee/Prospective Employee Registration Form, DOEA/SPGO 002, effective July 2005, is incorporated herein by reference and can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at <http://elderaffairs.state.fl.us>.

(3) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, by hand-delivery or mail. No facsimile submissions will be accepted.

(4) The following items must either accompany the registration form or must be on file with SPGO for the application to be deemed complete:

(a) Credit history for employees with fiduciary responsibilities as specified in Section 744.3135, F.S. At the applicant's request, SPGO will complete the credit history and may charge an additional registration fee of \$5.00 per credit history check; and

(b) Criminal history for employees with fiduciary responsibilities as specified in Section 744.3135, F.S.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

#### 58M-2.003 Professional Guardian Coursework and Competency Examination.

(1) Information about the professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or online at <http://elderaffairs.state.fl.us>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the applicant to be eligible to take the competency examination.

(3) The applicant must achieve a score of 75% or better on the Professional Guardian Competency Examination.

(4) If the applicant fails to successfully complete the Professional Guardian Competency Examination in three (3) attempts, then the applicant is required to re-take the professional guardian instruction and training course before sitting again for the competency examination.

(5) A public guardian having five (5) or more years experience as a guardian in the State of Florida shall be exempt from the competency examination provided that the guardian submits a letter of recommendation from a circuit judge in the

State of Florida before whom the public guardian has practiced for at least one (1) year. The letter shall state that the public guardian has demonstrated competency to the court.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

#### 58M-2.005 Confidentiality.

Any social security number, bank account number, and debit, charge, and credit card numbers obtained by SPGO in association with the registration of professional guardians and employees with fiduciary responsibilities are confidential and exempt from public disclosure in accordance with Section 119.0721, F.S., and s. 24(a), Art. 1 of the Florida Constitution.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

#### 58M-2.007 Denial of Professional Guardian Registration.

(1) SPGO shall deny registration based on the following grounds:

(a) Conviction of a felony.

(b) Misrepresentation or concealment of a material fact related to the registration.

(c) Finding by any court that the applicant has committed any act involving fraud; misrepresentation; material omission; misappropriation; theft; or abuse, abandonment, or neglect against a person;

(d) Finding by any court that the applicant committed abuse, abandonment, or neglect against a child as defined in Section 39.01 or Sections 984.03(1), (2), and (37), F.S.; or

(e) Finding by any court of guilty, regardless of adjudication, for any offense prohibited under Section 435.03, F.S. or under any similar statute of another jurisdiction, or a plea of nolo contendere.

(f) Incapacity, illness or other unsuitability that renders a guardian unable to discharge the duties of a guardian.

(2) SPGO may deny registration, if one of the following occurred within five (5) years of filing the registration:

(a) Bankruptcy;

(b) Judgment for non-payment;

(c) An account referred to collection;

(d) Repossession; or

(e) More than one late payment in excess of thirty (30) days.

(3) On the day of SPGO's decision to deny registration, SPGO shall send written notification of denial of a registration to the applicant and to the chief judge of each judicial circuit. SPGO shall remove the applicant's name from its list of professional guardians if the applicant was previously registered.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Michele Hollister  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Carole Green, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 7, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 2, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

| RULE TITLES:  | RULE NOS.: |
|---|------------|
| License Procedure                                       | 59A-13.004 |
| Administration and Management                           | 59A-13.005 |
| Admission, Transfer and Discharge Policies              | 59A-13.007 |
| Child Care Policies                                     | 59A-13.008 |
| Medical Director  | 59A-13.009 |
| Nursing Services  | 59A-13.010 |
| In-service Training for Staff, Parents<br>and Guardians | 59A-13.013 |
| Medical Record  | 59A-13.014 |
| Quality Assurance Committee                             | 59A-13.015 |
| Infection Control                                       | 59A-13.020 |
| Fire Safety and Emergency Procedures                    | 59A-13.022 |

PURPOSE AND EFFECT: The Agency proposes to amend Rules 59A-13.004, 59A-13.005, 59A-13.007 through 59A-13.010, 59A-13.013 through 59A-13.015, 59A-13.020 and 59A-13.022, F.A.C., consistent with provisions of Section 400.914, F.S. The amendments to Rule 59A-13.004, F.A.C., includes technical changes to current language, a revised Application of Licensure dated July 2005, a statement that licensure fees returned to the Agency due to insufficient funds will result in the application being considered withdrawn and nullifying the corresponding license issued, and adds language that the facility must notify the Agency 60 days prior to a request to increase the center’s licensed capacity; amendments to Rule 59A-13.005, F.A.C., include technical changes to current language, revises language requiring the centers to develop and maintain a current job description for each employee, revises language that provides employee access to policies and procedures governing conditions of employment, revises language requiring annual written job performance evaluations of Prescribed Pediatric Extended Care Center (PPEC) staff, and revises language for the development and implementation of infection control policies and procedures; amendments to Rule 59A-13.007 through 59A-13.009, F.A.C., include technical changes to current language; amendments to Rule 59A-13.010, F.A.C., include technical changes to current language, deletes the requirement for the Director of Nursing to hold a Baccalaureate degree, deletes annual recertification for Cardiopulmonary Resuscitation (CPR) and adds current CPR certification for the Director of Nursing, registered nurses, licensed practical nurses (LPN), and direct care

personnel, adds LPN requirements and experience, adds definition for the term “others” as direct care personnel, and adds standards and requirements that direct care staff must meet, allows for LPN to be considered in staffing ratios, adds one additional staff into the current staffing ratio, and adds new language for the staffing pattern if the PPEC center has a census of more than 24 children; amendments to Rule 59A-13.013, F.A.C., include technical changes to current language; deletes requirement that all employees must maintain annual CPR certification and replaces it with all the requirement that all employees have current CPR certification; amendments to Rule 59A-13.014, F.A.C., include technical changes to current language and clarifies the medical plan of treatment and the nursing protocol of care; amendments to Rule 59A-13.015, F.A.C., include technical changes to current language, and clarifies the selection process of the quarterly assurance review sample and the required members of the quality assurance committee; amendments to Rule 59A-13.020, F.A.C., include technical changes to current language, and adds a new statement relating to hand washing procedures for staff after direct contact with each child; amendments to Rule 59A-13.022, F.A.C., includes technical changes to current language, adds language that requires each PPEC center to have documentation of a satisfactory fire safety inspection annually by the local authority having jurisdiction, and adds language that the PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

SUMMARY: Amends rules pertaining to Prescribed Pediatric Extended Care Centers.

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: 400.914 FS.

LAW IMPLEMENTED: 400.914(1) FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., October 12, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberly Smoak, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-13.004 License Procedure.

(1) Except as provided in Sections ~~400.903 and 400.905 391.203 and 391.205~~, F.S., no person, firm, association, partnership, or corporation shall either directly or indirectly operate a PPEC center in this state without first applying for and receiving a license from the Agency AHCA to operate such facility.

(2) Application for a license to operate a PPEC center must be made on AHCA Form 3110-8002, July 2005, "Application for Licensure, Prescribed Pediatric Extended Care Center", hereby incorporated by reference, which must be submitted by the owner or administrator to the Agency. This form is available from the Agency for Health Care Administration, 2727 Mahan Drive, MS-33, Tallahassee, Florida 32308, or at the web address at: <http://ahca.myflorida.com/>. In addition to a completed application, applicants for initial, renewal and change of ownership must submit the following: Any person operating a facility in this state is subject to the requirements of Sections 391.203 and 391.205, F.S., and these rules.

(a) Licensure fees in the amount of \$650.00 payable to the Agency for Health Care Administration. Licensure fees returned to the Agency due to insufficient funds will result in the application being considered withdrawn and any corresponding license issued will be null and void.

(b) Documentation of compliance with subsection 59A-13.022(1), F.A.C., regarding fire safety conducted within the previous three months.

(3) Separate licenses are applications for operation of a facility shall be required for whenever the buildings are located on separate premises.

(4) Licensees must shall not operate a PPEC center facilities with a census capacity greater than the number of children clients indicated on the face of the license.

(5) Licenses issued for the operation of a PPEC center are shall be limited as provided in Section 400.905 391.205, F.S., and unless revoked, will shall expire one year from the date of issuance whichever occurs first. Applicants for license renewal shall comply with the provisions of Section 391.205, F.S., and these rules.

(6) No oOther licensed or certified health care or business entity may be located within a PPEC center, entities and PPEC centers shall not collocate.

(7) Application for a license to operate a PPEC center shall be made on AHCA Form 3110-8002 (April 1998), "Application for Licensure, Prescribed Pediatric Extended Care Center", hereby incorporated by reference, which shall be submitted by the owner or administrator to the AHCA. This form may be attained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308.

(8) ~~Except counties and municipalities, every applicant shall submit the license fee required by Section 391.205, F.S., by check or money order payable to the Agency for Health Care Administration along with the application for licensure.~~

(9) ~~The annual license fee is \$650.00.~~

(7)(10) ~~Whenever the licensee of PPEC center a facility seeks to increase the licensed capacity number of children for which he is licensed, the licensee must shall submit an application to the Agency 60 days prior to the requested date of the change. Upon successful completion of a health and life safety survey, the license will be modified accordingly modify his license accordingly.~~

(11) ~~Single copies of AHCA forms incorporated by reference within this section may be obtained without cost from the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.~~

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.203, 391.205, 391.206, 391.207, 391.210, 391.214, 400.914 FS. History—New 3-8-89, Formerly 10D-102.004, Amended 2-27-94, 5-24-98, \_\_\_\_\_.

59A-13.005 Administration and Management.

(1) The licensee of each PPEC center shall have full legal authority and responsibility for the operation of the center facility.

(2) Each PPEC center must shall be organized in accordance with a written table of organization which describes the lines of authority and communication down to the child care level. The organizational structure must shall be designed to ensure an integrated continuum of services to the children clients.

(3) Center supervision:

(a) The licensee of each center must shall designate one person as administrator who is shall be responsible and accountable for the overall management of the center.

(b) The center administrator must shall designate in writing a person to be responsible for the center when the administrator is to be absent from the center for more than a period of 24 hours.

(c) The center administrator must Responsibilities of the center administrator shall include the following:

1. Maintain the following written records and any maintaining or causing to be maintained the following written records and any other records required by Section 400.914 Chapter 391, F.S., and these rules. The records must shall be kept in a place, form, and system in accordance with ordinarily employed in acceptable medical and business practices and available in the center for inspection by the Agency department during normal business hours:

a. A daily census record which must shall indicate the number of children currently receiving services in the center.

b. A record of all accidents or unusual incidents involving any child or staff member that caused, or had the potential to cause, injury or harm to any person or property within the

center. Such records ~~must shall~~ contain a clear description of each accident or incident, the names of the persons involved, a description of all medical or other services provided to these persons specifying who provided such services, and the steps taken, ~~if any~~, to prevent recurrence of such accident or incidents in the future.

c. A copy of current agreements ~~entered into~~ with third party providers.

d. A copy of current agreements with each consultant employed by the center and documentation of each consultant's visits and required written, dated reports; ~~and~~.

e. A personnel record for each employee, which ~~must shall~~ include: a copy of a current the Florida certificate and/or number and current license number, as applicable; the original employment application, ~~and references, furnished from the most recent health care employer and~~ employment history for the preceding 5 years if applicable; and a copy of all job performance evaluations.

2. Develop and maintain a current job description for each employee. Ensuring the development and maintenance of a current job description for each employee.

3. Provide each employee access to written personnel policies governing conditions of employment. Ensuring that each employee is furnished with a copy of written personnel policies governing conditions of employment including the job description for his own position;

4. Conduct annual written job performance evaluations that, note strengths and weaknesses, and plans to correct any job performance weakness. Performance evaluations must be reviewed with the employee. Ensuring that each employee receives at least a yearly written job performance evaluation which is discussed with the employee, notes job performance strengths and weaknesses, and discusses plans to correct any job performance weaknesses;

5. Assign duties to employees that are consistent with their job descriptions and with their levels of education, preparation and experience. Ensuring that such qualified personnel and ancillary services as are necessary to assure the health, safety, and proper care of children; are provided;

6. Provide necessary qualified personnel and ancillary services to ensure the health, safety, and proper care of each child. Ensuring that each employee is assigned duties which are consistent with his job description and with his level of education, preparation, and experience; and

7. Develop and implement infection control policies and procedures. These policies and procedures must be included in the PPEC center's policy manual. Ensuring that the Infection control policies and procedures are included in the center's policy manual.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(h) FS. History--New 3-8-89, Formerly 10D-102.005, Amended 5-24-98, \_\_\_\_\_.

59A-13.007 Admission, Transfer and Discharge Policies.

(1) Each PPEC center ~~must shall~~ have written policies and procedures governing the admission, transfer, and discharge of children.

(2) The admission of each child to a PPEC center ~~must shall~~ be under the supervision of the center administrator or ~~his~~ designee, and ~~must shall~~ be in accordance with the center's child care policies and procedures.

(3) Each child admitted to a PPEC center ~~must shall~~ be admitted upon prescription of a licensed prescribing physician and ~~must shall~~ remain under the care of the licensed primary physician for the duration of the child's his stay in the center.

(4) Each child admitted for service to a PPEC center ~~must shall~~ meet at least the following criteria:

(a) Infants and children considered for admission to the PPEC center will be those who are medically or technologically dependent.

(b) The infants and children must not, prior to admission, present significant risk of infection to other children or personnel. The medical and nursing directors ~~must shall~~ review, on a case-by-case basis, any child with a suspected infectious disease to determine appropriateness of admission.

(c) The child must be medically stabilized, require skilled nursing care, or other interventions, and be appropriate for outpatient care.

(d) If the child meets the preceding criteria, the medical or nursing director of the PPEC center ~~must will~~ implement a preadmission plan which delineates services to be provided and appropriate sources for such services.

1. If the child is hospitalized at the time of referral, pre-admission planning will include the parents or guardians, relevant hospital medical, nursing, social services and developmental staff to assure that the hospital discharge plans will be implemented upon admission to the following placement in the PPEC center.

2. A consent form outlining the purpose of a PPEC center, family responsibilities, authorized treatment and appropriate liability release, and emergency disposition plans ~~must shall~~ be signed by the parents or guardians and witnessed prior to admission to the PPEC center. The parents or guardians ~~must and the PPEC center shall~~ be provided a copy of the consent form. A copy of the signed consent form must be maintained in the child's medical record. Confidentiality of PPEC records ~~must shall~~ be maintained in accordance with applicable state and federal laws Section 455.241.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(a),(h) FS. History--New 3-8-89, Formerly 10D-102.007, Amended \_\_\_\_\_.

59A-13.008 Child Care Policies.

(1) Each PPEC center ~~must shall~~ develop, implement, and maintain written policies and procedures governing all child care and related medical or other services provided.

(2) Child care policies and procedures ~~must shall~~ be developed, ~~and~~ maintained and implemented by a group of professional PPEC center staff personnel comprised of at least the medical director or medical consultant, the center administrator, and the director of nursing services. All child care policies and procedures ~~must shall~~ be reviewed no less frequently ~~often~~ than annually and ~~must shall~~ be revised as needed.

(3) The child care policies and procedures developed ~~must shall~~ at a minimum ensure ~~client care in~~ compliance with the provisions of Section 400.914 Chapter 391, F.S., and the standards contained in these rules.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(a) FS. History--New 3-8-89, Formerly 10D-102.008, Amended

59A-13.009 Medical Director.

A board certified pediatrician ~~must will~~ serve as the medical director for the PPEC center. Responsibilities of the medical director include shall include:

(1) Periodic review of services to assure acceptable levels of quality of care and services.

(2) Maintenance of a liaison role with the medical community.

(3) Advisement on the development of new programs and modifications of existing programs.

(4) Assurance that medical consultation will be available in the event of the medical director's absence.

(5) Serving on committees as defined and required by these rules and by the center's policies.

(6) Consulting with the center administrator on the health status of the center's facility personnel.

(7) Reviewing reports of all accidents or unusual incidents occurring on the premises and identifying to the center administrator hazards to health and safety.

(8) Development and implementation ~~Ensuring the development~~ of a policy and procedure for the delivery of emergency services and the delivery of regular physician's services when the child's attending physician or ~~his~~ designated alternative is not available.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(d),(f), 400.914(1)(f) FS. History--New 3-8-89, Formerly 10D-102.009, Amended

59A-13.010 Nursing Services.

(1) A registered nurse will serve full-time as the Director of Nursing. The Director of Nursing must have at least the following qualifications:

(a) ~~Minimum of a Baccalaureate degree in nursing;~~

~~(a)(b)~~ Hold a current Florida registered nurse license licensure.

~~(b)(e)~~ Hold a current certification in Cardiopulmonary Resuscitation (CPR). Completion of a course in pediatric CPR, with annual recertification; and

~~(c)(d)~~ Have a minimum of two 2 years general pediatric nursing experience of which at least six 6 months must shall have been spent in a pediatric intensive care or neonatal intensive care setting during the previous five years.

(2) The Director of Nursing ~~is shall be~~ responsible for the daily operation of the PPEC center.

(3) Registered nurse staffing standards:

~~(a) All PPEC centers shall have a minimum full-time equivalent of 2 registered nurses.~~

~~(a)(b)~~ The registered nurse ~~must shall~~ have at least the following qualifications and experience:

1. Licensed Licensure as a registered nurse in Florida, pursuant to ~~under~~ Chapter 464, F.S, and two a baccalaureate degree in nursing or or more years of pediatric speciality care experience, with at least six months experience caring for medically or technologically dependent children.

2. Current Annual pediatric certification in CPR; ~~and~~

~~3. Minimum of 2 years experience in general pediatrics with at least 6 months experience caring for medically or technologically dependent children.~~

~~3.4.~~ Pediatric nursing experience, defined as being responsible for the care of acutely ill or chronically ill children, within the previous 24 months.

(c) The registered nurse staff ~~must provide shall be~~ responsible for at least the following:

1. Nursing Provision of interventions; educational services to increase the parent's or guardian's family's confidence and competence in caring for the child with special needs; assistance to facilitate coping with the effects of chronic illness on the child and family and support effective relationships among siblings and the ill child; interventions to foster normal development and psychosocial adaptation.

2. Information regarding Knowledge of availability and access ~~requirements~~ to community resources; ~~and~~

3. ~~Fostering and maintaining~~ A collaborative relationship with the interdisciplinary health team.

~~(4) Licensed practical nurse staffing standards: If nursing assistants are utilized to augment registered nurse staffing, the nursing assistant shall have as a minimum the following qualifications:~~

Licensed practical nurses working in a PPEC center must be supervised by a registered nurse and have the following qualifications and experience;

(a) Hold a Current Florida licensed practical nurse pursuant to Chapter 464, F.S. Two years experience in the care of infants and toddlers;

~~1. References documenting skill in care of infants and children;~~

~~2. Basic cardiac life support annual certification.~~

~~(b) Have two year experience in pediatrics; and~~

~~(c) Hold a current certification in CPR.~~

~~(5) Direct care personnel staffing standards. For the purposes of this subsection, other direct care personnel include: nursing assistants, nursing assistants certified pursuant to Chapter 464, F.S., patient care technicians, medical assistants, Emergency Medical Technicians (EMT) licensed pursuant to Chapter 401, F.S., and individuals with training and experience in education, social services or child care related fields.~~

~~(a) Direct care personnel must meet the following requirements:~~

~~1. Have one year experience in the care of infants and toddlers.~~

~~2. Employment references documenting skill in the care of infants and children, and~~

~~3. Hold a current certification in CPR.~~

~~(b) Direct care personnel must~~ ~~The nursing assistant staff shall work under the supervision of the registered nurse and be responsible for providing direct care to PPEC center children.~~

~~(6)(5) Total staffing for nursing services and direct care must, shall at a minimum, meet the following ratios: but at no time shall be less than 1 staff member on duty per 3 children. If only one staff member is on duty, that member must be a registered nurse:~~

| <u>Children</u> | <u>Total Staff</u> | <u>RN</u> | <u>RN or LPN</u> | <u>Direct Care, or Licensed Nurse (RN or LPN)</u> |
|-----------------|--------------------|-----------|------------------|---|
|-----------------|--------------------|-----------|------------------|---|

|              |          |          |          |          |
|--------------|----------|----------|----------|----------|
| <u>1</u>     | <u>1</u> | <u>1</u> |          |          |
| <u>2-3</u>   | <u>2</u> | <u>1</u> |          | <u>1</u> |
| <u>4-6</u>   | <u>3</u> | <u>1</u> | <u>1</u> | <u>1</u> |
| <u>7-9</u>   | <u>4</u> | <u>1</u> | <u>1</u> | <u>2</u> |
| <u>10-12</u> | <u>5</u> | <u>1</u> | <u>2</u> | <u>2</u> |
| <u>13-15</u> | <u>6</u> | <u>2</u> | <u>2</u> | <u>2</u> |
| <u>16-18</u> | <u>7</u> | <u>2</u> | <u>2</u> | <u>3</u> |
| <u>19-21</u> | <u>8</u> | <u>2</u> | <u>3</u> | <u>3</u> |
| <u>22-24</u> | <u>9</u> | <u>2</u> | <u>3</u> | <u>4</u> |

|                |                     |
|----------------|---------------------|
| 1-3 children   | 1 RN                |
| 4-6 children   | 2 RNs               |
| 7-9 children   | 2 RNs plus 1 other  |
| 10-12 children | 2 RNs plus 2 others |
| 13-15 children | 3 RNs plus 2 others |
| 16-18 children | 3 RNs plus 3 others |
| 19-21 children | 4 RNs plus 3 others |
| 22-24 children | 4 RNs plus 4 others |

If the PPEC center has a census of more than 24 children, the staffing pattern must increase by one direct care staff personnel for every 3 children, and one licensed nurse for every 6 children; at least 50% of the licensed nurses must be registered nurses.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(d),(f), 400.914(1)(d) FS. History--New 3-8-89, Formerly 10D-102.010, Amended \_\_\_\_\_.

59A-13.013 In-service Training for Staff, and Parents and Guardians.

Each PPEC center must shall develop staff, a parent and guardian training programs, which will be available to staff, parents and guardians and includes at least the following:

(1) Staff training must include:

(a)(1) Quarterly staff development programs appropriate to the category of personnel will be conducted to maintain quality patient care.

(b)(2) Documentation of all staff development programs, and required participation will be documented.

(c) Current CPR certification for all staff.

(3) All employees shall maintain annual pediatric cardiopulmonary resuscitation certification.

(2)(4) Each new employee will participate in orientation to acquaint the employee with the philosophy, organization, program, practices, and goals of the PPEC center.

(3)(5) A comprehensive orientation to acquaint the parent or guardian with the philosophy and services will be provided at the time of the child's admission to placement in the PPEC center.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(a), 400.914(1)(f) FS. History--New 3-8-89, Formerly 10D-102.013, Amended \_\_\_\_\_.

59A-13.014 Medical Record.

(1) A medical record must be developed at the time of admission, must be shall maintained for each child, signed by authorized personnel and contain at least The records shall contain at least the following:

(a) A medical plan of treatment and a nursing protocol of care.

(b)(1) All details of the referral, admission, correspondence and papers concerning the child.

(2) Entries in the Medical records shall be in ink and signed by authorized personnel include at least the following:

(c)(a) Physician orders.

(d)(b) Flow chart of medications and treatments administered.

(e)(e) Concise, accurate information and initialed case notes reflecting progress toward protocol of care goals achievement of care goals or reasons for lack of progress.

~~(f)(d)~~ Documentation of nutritional management and special diets, as appropriate.

~~(g)(e)~~ Documentation of physical, occupational, speech and other special therapies.

~~(2)(3)~~ The An individualized nursing care protocol must be developed within ten working days of admission. The protocol must be reviewed monthly and revised quarterly, and include any recommendations and revisions to the plan based on consultation with other professionals involved in the child's care and revised to include recommended changes in the therapeutic plans. The disposition to be followed in the event of emergency situations will be specified in the plan of care;

(4) Medical history, including ~~include~~ allergies and special precautions.

(5) Immunization record.

~~(6)~~ Quarterly review of Protocol of Care to updated the plan in consultation with other professionals involved in the child's care;

~~(6)(7)~~ A discharge order written by the primary physician will be documented and entered in the child's record. A discharge summary, which includes the reason for discharge, will also be included.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(h), 400.914(1)(h) FS. History--New 3-8-89, Formerly 10D-102.014, Amended \_\_\_\_\_.

59A-13.015 Quality Assurance Committee.

All PPEC centers must shall have a quality assurance program and must and will conduct quarterly reviews of the PPEC center's medical records for at least half of the children served by the PPEC center at the time of the quality assurance review. The quarterly review sample must be randomly selected so each child served at the center has an equal opportunity to be included in the review.

(1) The quality assurance committee must include the following: the medical director, administrator, director of nursing, and three other committee members as determined by each PPEC center.

~~(2)(1)~~ The quality assurance review will be conducted by two 2 members of the quality assurance committee. ~~The quality assurance review responsibilities shall rotate among the quality assurance committee members at least on an annual basis.~~ Within 15 calendar working days of its review, the quality assurance committee must shall furnish copies of its report to the PPEC center medical and nursing directors.

~~(3)(2)~~ Each quarterly quality assurance review must shall include:

(a) A review of the goals in each child's nursing protocol.

(b) A review of the steps, process, and success in achieving the goals.

(c) Identification of goals not being achieved as expected, reasons for lack of achievement and plans to promote goal achievement.

(d) Evidence that the protocol ~~of care~~ has been revised to accommodate the findings of the quality assurance report will be forwarded to the quality assurance committee within ten calendar 10 working days of receipt of the quality assurance committee report.

(e) Implementation of ~~the~~ revisions to the protocol must be of care as documented in on the child's record.

~~(4)(3)~~ The quality assurance review will also ascertain and assure the presence of the following documents in each child's medical record:

(a) A properly executed consent form, ~~and~~

(b) A medical history for the child, including notations from visits to health care providers', ~~and~~

(c) An immunization record with documentation of allergies and special precautions.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.201, 391.214, 400.914(1)(f)(h) FS. History--New 3-8-89, Formerly 10D-102.015, Amended \_\_\_\_\_.

59A-13.020 Infection Control.

Infection control requirements must ~~procedures shall~~ include at least the following:

(1) The PPEC center must have shall contain an isolation room with one large glass area for observation of the child.

(2) Isolation procedures must shall be used to prevent cross-infections.

(3) All cribs and beds must shall be labeled with the individual child's name. Linens must shall be removed from the crib for laundering purposes only.

(4) Bed linens must shall be changed when soiled and as necessary, but not less than twice weekly at least twice weekly.

(5) Antimicrobial soap and disposable paper towels must shall be at each sink.

(6) Staff must wash their hands after direct contact with each child, by using appropriate hand washing techniques, to prevent the spread of infection from one child to another.

~~(7)(6)~~ Children suspected of having a communicable disease, which may be transmitted through casual contact, as determined by the center's facility's medical director, must shall be isolated; the parents or guardians must shall be notified of the condition; and the child must shall be removed from the PPEC center as soon as possible. When the communicable disease is no longer present, as evidenced by a written physician's statement, the child may return to the PPEC center, ~~and~~

(8) PPEC center staff members suspected of having a communicable disease must shall not return to the PPEC center until the signs and symptoms which related to the communicable disease are no longer present, as evidenced by a written physician's statement.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(f), 400.914(1)(e) FS. History--New 3-8-89, Formerly 10D-102.020, Amended \_\_\_\_\_.

59A-13.022 Fire Safety and Emergency Procedures.

(1) All PPEC centers ~~must shall~~ conform to state standards prepared by the State Fire Marshal: Chapter 69A-36 4A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities, and ~~must shall~~ be inspected annually. A copy of the current annual fire inspection report, ~~prepared by a certified fire inspector, conducted by the local authority having jurisdiction over fire safety or the State Fire Marshal must shall~~ be on file at the PPEC center. Documentation of a satisfactory fire safety inspection shall be provided at the time of the licensee's annual survey.

(2) There ~~must shall~~ be a working telephone, which is neither locked nor a pay station, in the PPEC center child-care facility.

(3) Emergency telephone numbers ~~must shall~~ be posted on or in the immediate vicinity of all telephones.

(4) An emergency ~~generator must power source shall~~ exist, with sufficient generating power to continue function of medical equipment in the event of a power failure. The emergency generator ~~must shall~~ be tested every 30 days and satisfactory mechanical operation ~~must will~~ be documented on a log designed for that purpose and signed by the person conducting the test.

(5) Emergency transportation ~~must shall~~ be performed by a licensed E.M.S. provider, with a PPEC center staff member accompanying ~~each the~~ child.

(6) The PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(f), 400.914(1)(f) FS. History--New 3-8-89, Formerly 10D-102.022, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kimberly R. Smoak, Government Operations Consultant III, Health Quality Assurance

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: August 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Public Liability Insurance

RULE NO.: 61G4-15.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to address public liability insurance.

SUMMARY: The proposed rule amendment provides additional language with regard to liability insurance for Swimming Pool Specialty Contractors.

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

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

SPECIFIC AUTHORITY: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.003 Public Liability Insurance.

(1) No change.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) through (g) No change.

(h) Proper aggregate amount of public liability and property damage as defined below:

|   | Liability      | Property Damage |
|---|----------------|-----------------|
| General Contractor                            | \$300,000      | \$50,000        |
| Building Contractor                           | 300,000        | 50,000          |
| Residential Contractor                        | 100,000        | 25,000          |
| Sheet Metal Contractor                        | 100,000        | 25,000          |
| Air Conditioning Contractor                   | 100,000        | 25,000          |
| Roofing Contractor                            | 100,000        | 25,000          |
| Mechanical Contractor                         | 100,000        | 25,000          |
| Pool Contractor                               | 100,000        | 25,000          |
| Plumbing Contractor                           | 100,000        | 25,000          |
| Residential Solar Water Heating Contractor    | 100,000        | 25,000          |
| Underground Utility and Excavation Contractor | 100,000        | 25,000          |
| Specialty Structure Contractor                | 100,000        | 25,000          |
| Pollutant Storage System Specialty Contractor | 100,000        | 25,000          |
| Gypsum Drywall Specialty Contractor           | 100,000        | 25,000          |
| Solar Contractor                              | 100,000        | 25,000          |
| Gas Line Specialty Contractor                 | 100,000        | 25,000          |
| Glass and Glazing Specialty Contractor        | 100,000        | 25,000          |
| <u>Swimming Pool Specialty Contractor</u>     | <u>100,000</u> | <u>25,000</u>   |

(i) through (l) No change.

(3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, 11-13-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLE: Sarasota County Boating Restricted Areas  
RULE NO.: 68D-24.005

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over portions of the Gulf Intracoastal Waterway by extending two existing boating restricted areas, at Hatchett Creek and the Marine Center, and by creating two new boating restricted areas at the Siesta Key and Manasota Beach Bridges. As justification for this amendment, Sarasota County cites vessel traffic congestion, public boat ramps, and fueling facilities. The local office of the Florida Fish and Wildlife Conservation Commission’s Division of Law Enforcement has concurred with this action. This action is being coordinated with Sarasota County, the City of Sarasota, the City of Venice, the United States Army Corps of Engineers, and the United States Coast Guard.

SUMMARY: Amend by extending the existing Idle Speed No Wake zones in the Intracoastal Waterway, at Hatchett Creek, Circus Bridge. Create two zones at the Siesta and Manasota Key Bridges, to regulate vessel traffic within and adjacent to the Florida Intracoastal in Sarasota County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

A statement of the estimated regulatory costs has not been prepared for this rulemaking. 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: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169



THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.005 Sarasota County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic in and adjacent to the Intracoastal Waterway within Sarasota County, Florida, the following Boating Restricted Areas are established:

(a) Idle Speed No Wake Zones –

1 through 3. No change.

4. Hatchett Creek – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 2,000 feet northwest of the U.S. Highway 41 (Business) Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 1,600 ~~400~~ feet southeast of said bridge, as depicted in drawing D.

5. Circus Bridge (US 41) ~~Venice Marine Center~~ – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 840 ~~400~~ feet north of the centerline of the Circus Bridge(US 41) including the marine center boat basin ~~Venice Marine Center boat basin channel~~ to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 ~~350~~ feet south of centerline of said bridge channel, as depicted in drawing E.

6. No change.

7. Siesta Key Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Siesta Key Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Siesta Key Bridge, as depicted in Drawing G.

8. Manasota Beach Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Manasota Beach Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Manasota Beach Bridge, as depicted in Drawing H.

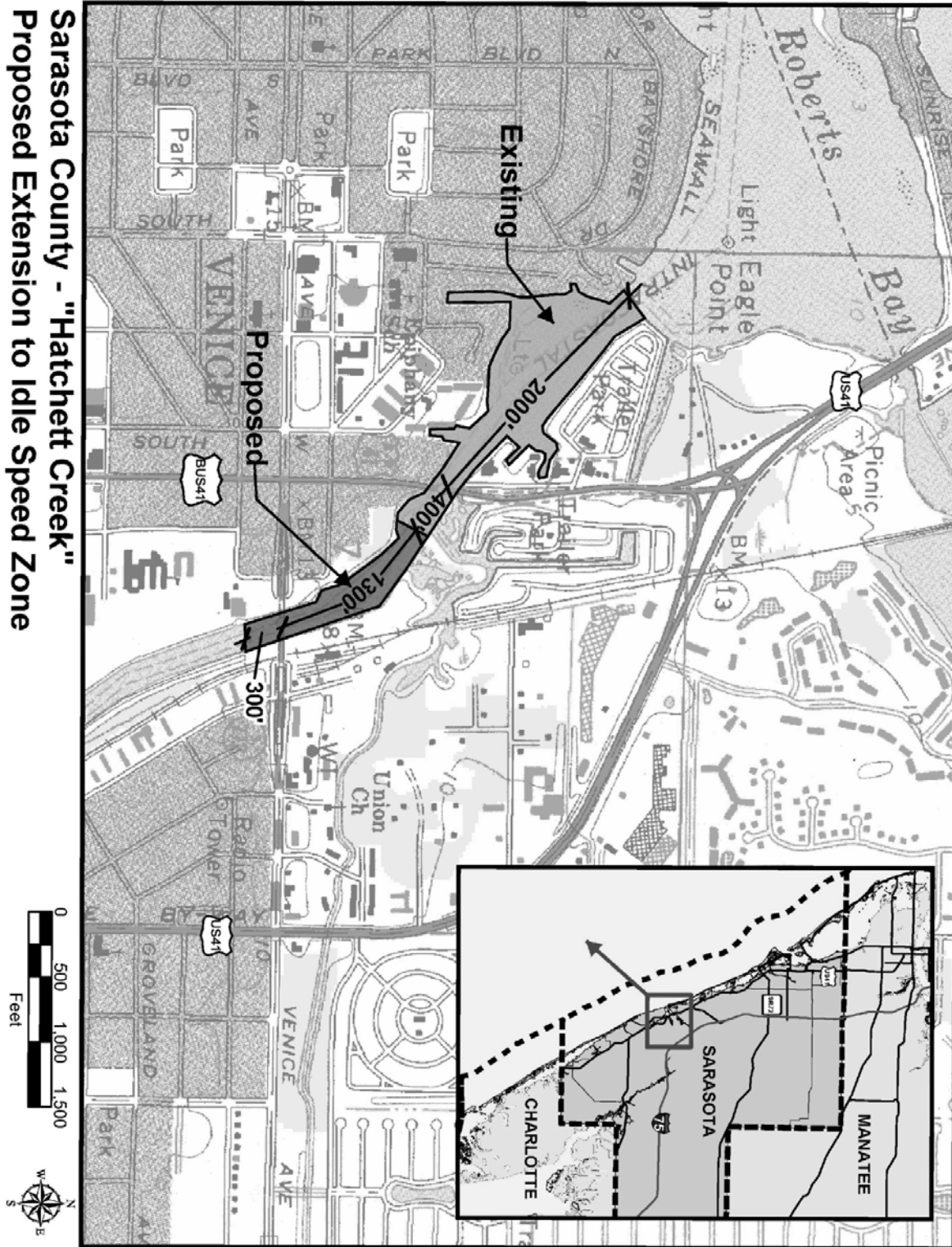
(b) No change.

(2) The boating restricted areas are depicted in the following drawings:

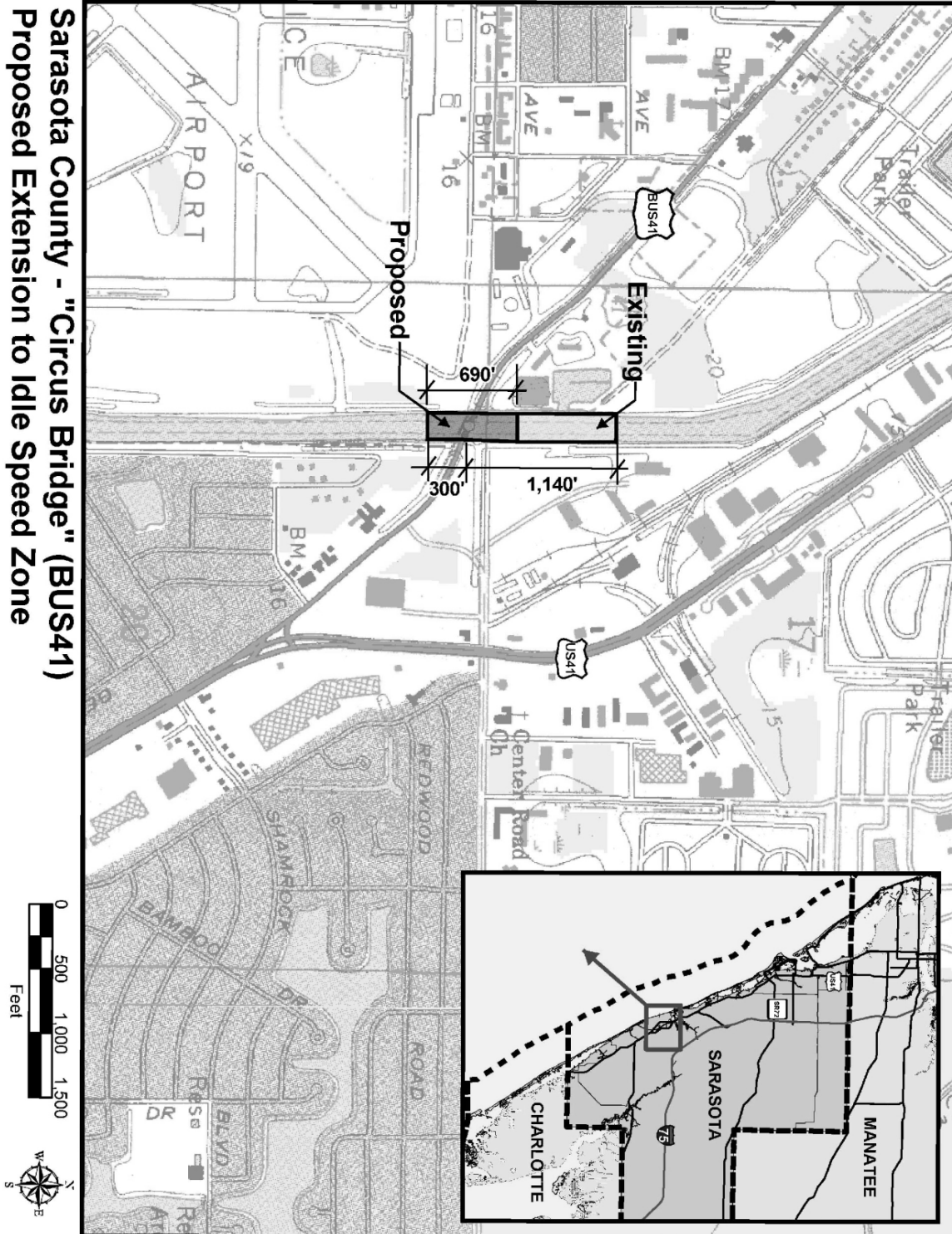
Drawings A, B, C, and F – No change.

Revised drawings D and E, and new drawings G and H.

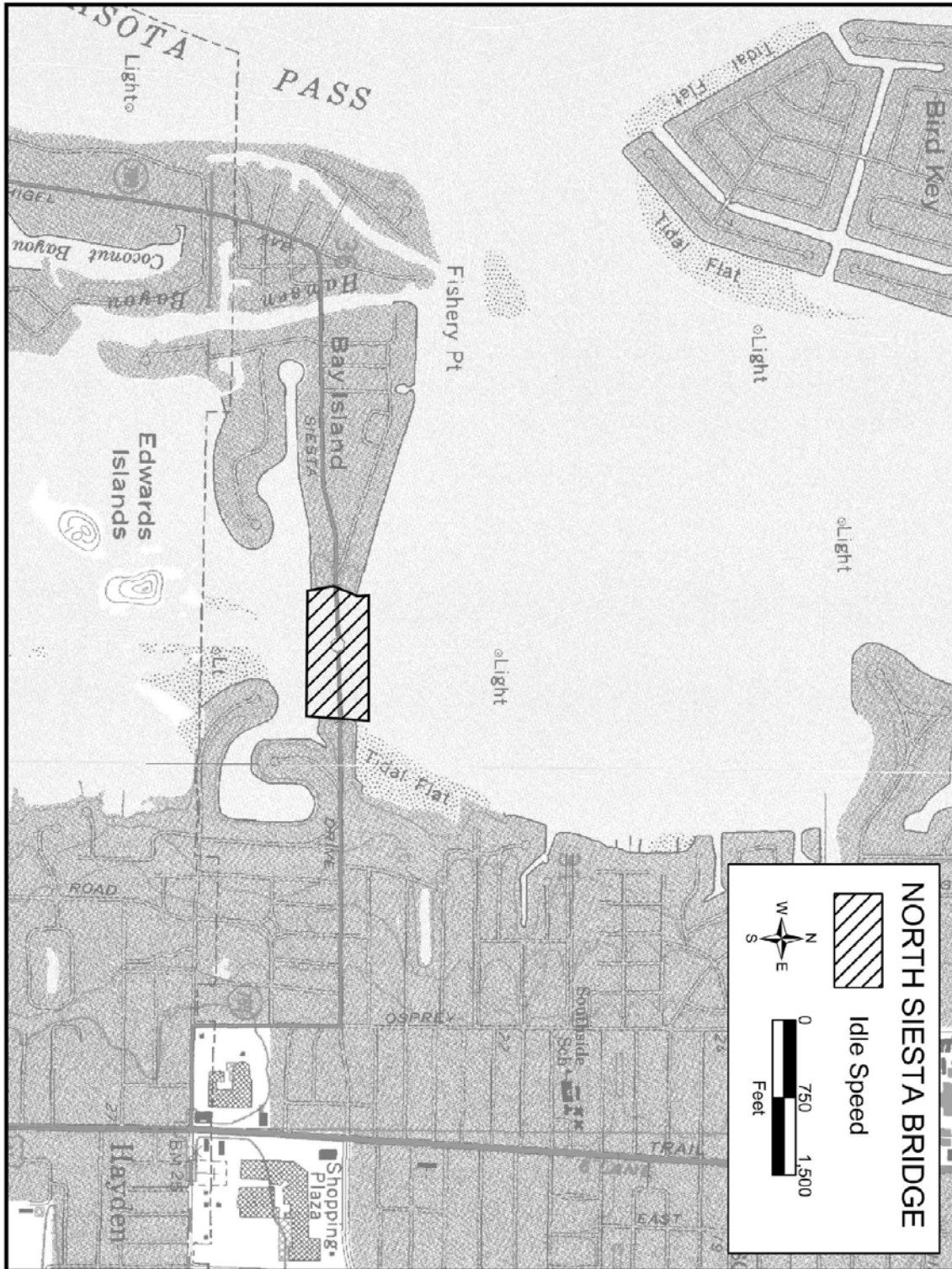
Drawing D



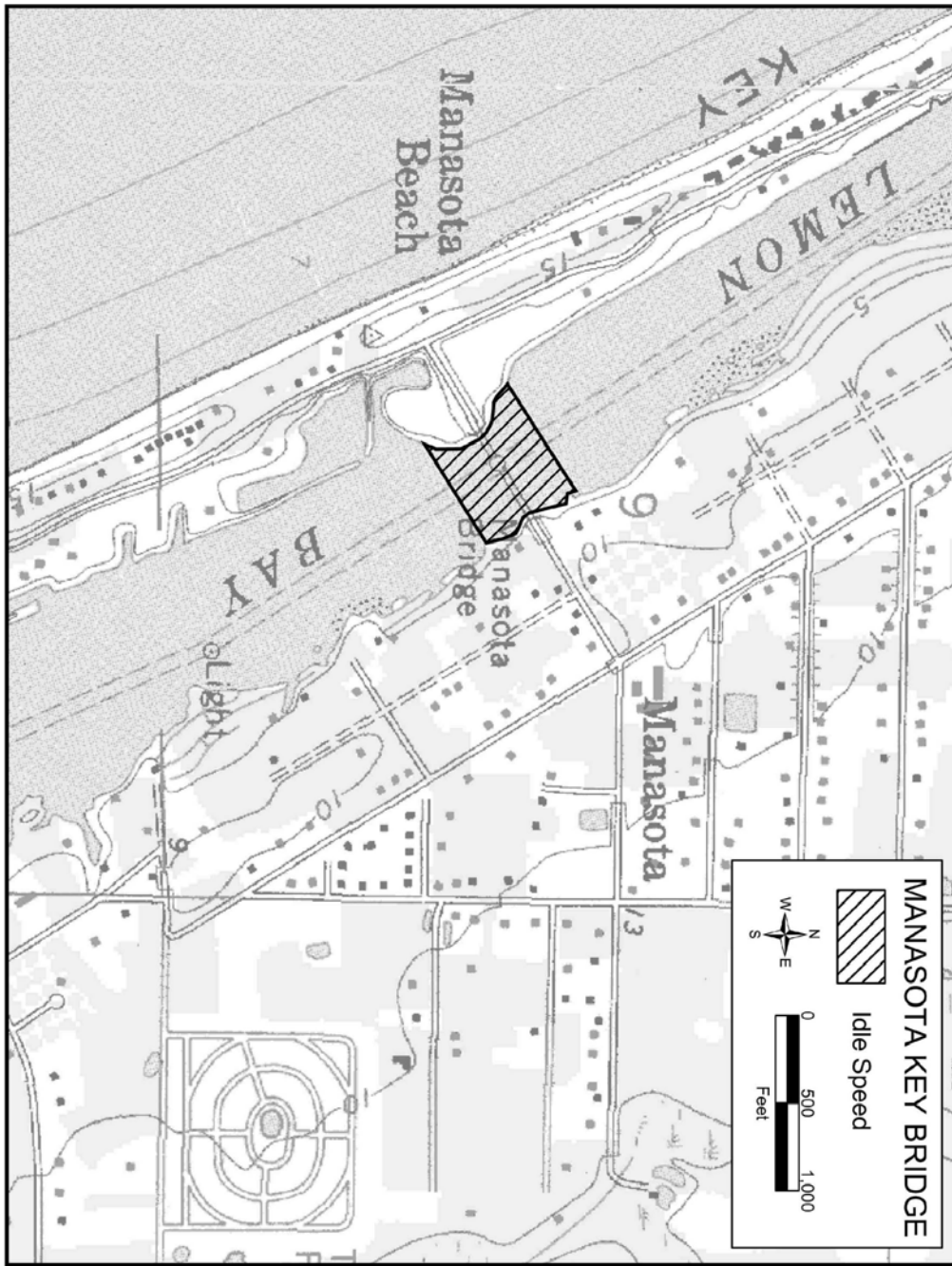
Drawing E



Drawing G



Drawing H



Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 8-30-83, Formerly 16N-24.05, Amended 12-21-92, Formerly 16N-24.005, 62N-24.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Organizational Structure of the Office  
RULE NO.: 69N-121.003  
PURPOSE, EFFECT AND SUMMARY: The rule establishes the organizational structure of the Office of Insurance Regulation, as required by Section 20.121(3)(b), F.S.  
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: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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: 9:00 a.m., October 25, 2005, at a regular scheduled meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Terwilliger, Legal Services, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: kathy.terwilliger@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69N-121.003 Organizational Structure of the Office.

(1) Under the Commissioner of the Office are hereby established a chief of staff, a general counsel, and three deputy commissioners as follows:

(a) Deputy commissioner for business development and market research.

(b) Deputy commissioner for property and casualty, and

(c) Deputy commissioner for life and health and for specialty.

(2) The general counsel shall also serve as the agency clerk for the Office.

Specific Authority 20.121(3)(b) FS. Law Implemented 20.121(3)(b) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Legal Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Legal Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

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

**DEPARTMENT OF REVENUE**

|                   |  |
|-------------------|--|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                        |
| 12A-19.071        | Department of Revenue Electronic Database  |
| 12A-19.072        | 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 Rules 12A-19.071 and 12A-19.072, 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 the Joint Administrative Procedures Committee, dated August 24, 2005, paragraphs (c), (d), and (g) of subsection (1) and paragraph (b) of subsection (2) of Rule 12A-19.071, F.A.C., paragraph (a) of subsection (2) of Rule 12A-19.072, F.A.C., Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change, and the Guide for Address Change Requests have been changed.

Paragraphs (c), (d), and (g) of subsection (1) of Rule 12A-19.071, F.A.C., have been changed, so that, when adopted, those paragraphs will read as follows: