

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Disciplinary Standards
RULE NO.: 65C-32.001

PURPOSE AND EFFECT: This notice advises of the agency's desire to obtain an exception to the uniform personnel rules of the Department of Management Services set forth in Title 60L, F.A.C. If approved by the Administration Commission, and following adoption by the agency, the rule would disqualify former agency employees disciplined for cause by the agency, or former agency employees who resign their position in lieu of discipline or pending an investigation from employment or re-employment with the agency.

SUBJECT AREA TO BE ADDRESSED: Discipline and employability of former agency employees.

SPECIFIC AUTHORITY: 110.201 FS.

LAW IMPLEMENTED: 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Bldg 1, Room 106C, Tallahassee, FL, (850)488-2840

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Filing Procedures for Workers' Compensation Classifications, Rules, Rates, Rating Plans, Deviations and Forms
RULE NO.: 690-189.016

PURPOSE AND EFFECT: The proposed new rule adopts existing policy applicable to the review and approval of workers' compensation classifications, rules, rates, rating plans, deviations and forms. It makes clear that the filing shall be submitted electronically.

SUBJECT AREA TO BE ADDRESSED: Filing procedures for Workers' Compensation.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.091, 627.101, 627.211, 627.410 FS.

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

TIME AND DATE: 3:00 p.m., December 1, 2005
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Eaton, Property and Casualty Product Review, Office of Insurance Regulation, E-mail theresa.eaton@fldfs.com.

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 above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

RULE TITLE: Use of the Seal of the State of Florida
RULE NO.: 1-2.0021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and conform the criteria for using the Great Seal to current administrative practice and to ensure that the Great Seal is only used in a manner that is in the best interest of the State of Florida.

SUMMARY: The Office of the Secretary proposes to develop the rule to clarify and revise the criteria upon which decisions regarding use of the Great Seal are made.

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: 15.03 FS.

LAW IMPLEMENTED: 15.03 FS.

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

TIME AND DATE: 3:00 p.m., November 29, 2005
PLACE: Large Conference Room, Office of Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0021 Use of the Seal of the State of Florida.

(1) No person, without express written authorization from the Department, shall manufacture, use, display or otherwise employ a facsimile or reproduction of the Great Seal of the State of Florida (Great Seal or Seal), except as provided in this rule.

(2) Any person desiring to obtain approval from the Department for the manufacture or use of ~~a the~~ facsimile or reproduction of the Great Seal shall make application on the form prescribed by the Department. The form, Application for Manufacture or Use of the Great Seal of the State of Florida, Form DS-19, effective _____ ~~5/96~~, is incorporated by reference herein and is available from the Office of the Secretary.

(3) Department approval for use of the Great Seal is for a term of 4 years, unless otherwise stated by the Department, and can be renewed upon the completion and approval of a new application.

(4)(3) Applications and supporting documents shall be filed with the Office of the General Counsel, Department of State, R. A. Gray Building, 500 South Bronough Street ~~LL-40, The Capitol,~~ Tallahassee, Florida 32399-0250. For manufactured items, a separate application for each unique item to be manufactured shall be required.

(5) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Political or campaign purposes" shall include all uses related to a past, present, or future political campaign;

(b) "Official government stationery" means stationery intended for use by a state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(c) "Official government business cards" means business cards in use by a current state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(d) "State governmental agency" includes entities defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., and authorized staff members of those entities;

(e) "Local governmental agency" includes any local governmental agency, including counties, municipalities, special districts or other separate units of local government created or established by law, and authorized staff members of such entities;

(f) "Official government publications" are publications published by or on behalf of the State of Florida;

(g) "Publications serving a governmental purpose" are those publications not published by the State of Florida, which the Department of State, within its discretion, determines are of significant interest to the state, including but not limited to

educational publications, where use of the Great Seal would not mislead the public to believe that the publication carries official State sanction or approval.

(6)(4) Standards for Approval. A non-transferable letter of authority, ~~which is not transferable,~~ may be issued to the applicant if the applicant affirmatively demonstrates to the Department that the Great Seal will be used for a proper purpose. In order to determine what constitutes a proper purpose, the Department shall consider, at a minimum, the following:

(a) The specific item to be manufactured;

(b) The manner in which the Great Seal is to be displayed on the item to be manufactured;

(c) The nature of the proposed use, including manner, purpose and place of use;

(d) Whether the public would tend to be misled by the appearance of the Great Seal on the product to believe that the product carries official State sanction or approval;

(e) Whether the use of the Great Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;

(f) Whether the dignity of the Great Seal will be preserved if approval is granted;

(g) Whether the requested use of the Great Seal will promote a specific State interest.

(7)(5) In no event shall approval be given for the use of the Great Seal for the following:

(a) Political or campaign purposes;

(b) Stationery other than official government stationery;

(c) Decorative automobile license tags;

(d) Business cards other than official government business cards;

(e) Designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;

(f) T-shirts, jackets, or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state, not including official state government uniforms or apparel approved by the head of the state governmental agency;

(g) Publications other than official state government agency publications or publications serving a governmental purpose; or

(h) Advertising and news releases.

(8)(6) A letter of authority issued pursuant to this rule shall not become a vested property right in the grantee and approval may be revoked at the discretion of the Department any time prior to the expiration of the authorized term. The Department shall revoke any approval issued ~~by it~~ if the applicant fails to preserve the dignity of the Great Seal or the use no longer promotes a specific state interest. Approval shall also be revoked where the Department ~~it~~ finds that the holder

or his/her agent submitted false or inaccurate information in the application or has violated state law, Department rules, regulations or conditions of approval relating to the use of the Great Seal.

~~(9)(7) State and Local Government Agencies.~~ Subject to the requirements of subsection 1-2.0021(6)(4), F.A.C., state and local governmental agencies as defined in paragraphs 1-2.0021(4)(d) and (e), F.A.C., ~~the following governmental entities and authorized staff members~~ may use and display the Great Seal in connection with official business without application to the Department; ~~members of the Legislature; members of the Judiciary; and any governmental agency, including state, county, municipal, district or other separate unit of government created or established by law when specific written approval for use of the Great Seal has been granted by the agency's head of the governmental entity.~~

Specific Authority 15.03 FS. Law Implemented 15.03 FS. History—New 10-2-79, Amended 6-22-83, Formerly 1-2.021, Amended 5-6-96, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen S. Mathues
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Larson
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF STATE

RULE TITLE: Public Records Requests: Special Service Charge RULE NO.: 1-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set out the circumstances under which the Department may impose a special service charge on parties requesting public records in conformance with Section 119.07(4)(d), Florida Statutes, and current administrative procedure.

SUMMARY: The Office of the Secretary proposes to develop the rule to clarify procedures relating to public records requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.10(3), 119.07(4)(d) FS.

LAW IMPLEMENTED: 119.07(4)(d) FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, November 29, 2005

PLACE: Large Conference Room, Office of the Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0031 Public Records Requests: Special Service Charge.

(1) When the nature or volume of public records requested to be examined or copied requires extensive use of Department clerical and supervisory personnel, or extensive use of information technology resources, or both, the Department may charge in addition to the actual cost of duplication, a special service charge, as provided in paragraph 119.07(4)(d), Florida Statutes.

(a) The special service charge shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of personnel providing the service that is actually incurred by the Department or attributable to the Department for the clerical and supervisory assistance required.

(b) The term “extensive” means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (c) and (d) below.

(c) The term “clerical or supervisory assistance” includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(d) The term “use of information technology resources” includes the setup and implementation of an information technology defined in subsection 282.0041(7), Florida Statutes.

(2)(a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current pay grade of the personnel who performed the service. The special service charge shall be in addition to the duplication charge as provided in paragraphs 119.07(4)(a) and (b), Florida Statutes, and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a

request, or, in the alternative, the requestor shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department may withhold releasing any public records identified pursuant to that request until those amounts are paid in full.

Specific Authority 20.10(3), 119.07(4)(d) FS. Law Implemented 119.07(4)(d) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen S. Mathues
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Larson
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Logo Sign Program
 RULE CHAPTER NO.: 14-85
 RULE TITLE: Logo Sign Program
 RULE NO.: 14-85.004

PURPOSE AND EFFECT: This rule is being amended to implement provisions of Section 479.261, Florida Statutes, as amended by Chapter 2005-141, Laws of Florida. The amendment is to incorporate the use of RV friendly markers on specific information logo signs for establishments that cater to the specific needs of persons driving recreational vehicles.

SUMMARY: This rule is being amended to Section 479.261, Florida Statutes, as amended by Chapter 2005-141, Laws of Florida, by including specific provisions regarding RV friendly markers on logo signs.

SPECIFIC AUTHORITY: 334.044(2), 479.261 FS.

LAW IMPLEMENTED: 334.044(28), 479.261 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) Definitions.

(a) through (t) No change.

(u) “RV friendly” means businesses that can accommodate over-sized recreational vehicles by satisfying the facility and access criteria set forth in paragraph (10)(d).

(v)(~~tt~~) “Single Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.

(w)(~~vv~~) “Traffic Control Signs” means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide motorists.

(2) through (9) No change.

(10) Qualification of Businesses.

(a) To qualify for a business logo sign in any category, a business must meet all of the following conditions:

(a) 1. through 3. No change.

4. Fall within a category set forth in paragraphs (10)(d) through (i)(~~tt~~), and meet the requirements applicable to that category, including distance from the qualifying interchange. The qualifying interchange will be measured from the point where the crossroad intersects with the centerline of the Interstate highway median, along the crossroad to the nearest entrance to the premises of the business.

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

(d) RV friendly.

1. Any participating businesses which provide the minimum facilities listed below will be granted a permit to display the RV friendly symbol on their business logo.

a. Roadway access and egress must be hard surface, free of potholes, and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.

b. Roadway access, egress, and parking facilities must be free of any electrical wires, tree branches, or other obstructions up to 14 feet above the surface.

c. Facilities requiring short-term parking, such as restaurants or tourist attractions, are required to have 2 or more parking spaces that are 12 feet wide and 65 feet long with a swing radius of 50 feet to enter and exit the spaces.

d. Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.

e. Fueling facilities must allow for pull-through with a swing radius of 50 feet.

f. For campgrounds 2 or more spaces that are 18 feet wide and 45 feet long are required.

g. Businesses must post directional signing on their sites, as needed, to those RV friendly parking spaces and other on site RV friendly services, so that the motorist is given additional guidance upon leaving the public highway and entering the business establishment's property.

2. RV friendly symbol design and placement.

a. The design of the RV friendly symbol is a 12-inch diameter, yellow circle with a 1/2-inch approved non-reflective black border. The yellow background sheeting will be AASHTO Type III Sign Sheeting (High Intensity). The black upper case letters "RV" are inside the circle and are 8 inches in height and will be approved non-reflective black. If necessary for mounting, the sheeting may be attached to an aluminum circle.

b. When used, the RV friendly symbol is located in the lower right-hand corner of the business logo in a manner in which it touches both the business logo and the blue sign panel.

c. The RV friendly symbol shall not overlap other business logos.

3. RV friendly participation.

a. Businesses interested in providing this service should contact the Program Administrator.

b. Businesses in all categories may apply to use the RV friendly symbol on their business logo signs any time during their permit period.

c. The Program Administrator will inspect the business to assure compliance with the RV friendly qualifying criteria.

d. If a business subsequently fails to satisfy the RV friendly criteria, the RV friendly symbol will be removed by the Program Administrator.

4. Fees. Upon application, the business will be charged \$100.00 for each RV friendly symbol displayed.

(e)(~~f~~) Gas.

(e)1. through 3.c. No change.

(f)(~~e~~) Food. To qualify for a business logo sign in the food category, a business must meet all of the following conditions:

(f)1. through 5. No change.

(g)(~~f~~) Lodging. To qualify for a business logo sign in the lodging category, the business must meet both of the following conditions:

(g)1. through 2. No change.

(h)(~~g~~) Camping. To qualify for a business logo sign in the camping category the business must hold a permit under the provisions of Chapter 513, Florida Statutes, and must be located within fifteen miles of the interchange.

(i)(~~h~~) Attraction. To qualify for a business logo sign in the attraction category, a business must meet all of the following conditions:

(i)1. through 3. No change.

4. Be publicly recognized as a bona fide tourist destination. A bona fide tourist destination will have and keep current all legally required permits and licenses and comply

with laws concerning the provision of public accommodations pursuant to subparagraphs (10)(a)1. and 2. of the rule; will advertise to the general public additional ways other than the Logo Sign Program; and will comply with the conditions expressed in paragraph (10)(~~i~~)(~~h~~) of this rule.

5. Provide adequate parking.

6. Not be advertised or displayed on any other existing traffic control device such as a supplemental guide sign or overhead sign in the direction being signed.

7. Be located within fifteen miles of the interchange.

(11) Permitting.

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

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to subparagraph (10)(f)(~~e~~)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

(c)6. through (13)(b) No change.

Specific Authority 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Roger Eudy, State Administrator, Motorist Information Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P. E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 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."

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus
Products

RULE CHAPTER NO.:

20-64

RULE TITLE: Florida Quality Systems Certification Program for Finished Product Inspection

RULE NO.:

20-64.025

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

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

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

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1),(7), 601.11 FS.

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

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) The Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables may approve registered citrus processing plants that apply and agree to comply with and qualify to operate under the terms of the Florida Quality Systems Certification Program (FQSC Program). The terms of such program are prescribed in "Florida Quality Systems Certification Program – Program Description and Guidelines" published by the Florida Department of Agriculture and Consumer Services, dated 9-16-05, incorporated herein by reference, and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services. Plant personnel designated in accordance with such FQSC Program may, at his or her particular certified plant location, perform all inspection and grading activities outlined in the FQSC Program. For purposes of the FQSC Program and any rules or procedures implementing the FQSC Program, such plant personnel are deemed to be duly authorized inspectors of the Florida Department of Agriculture and Consumer Services.

(2) For participants in the FQSC Program under this rule, the sampling procedures set forth in FQSC Program contracts and auditing manuals shall be deemed the equivalent of any expressed or implied sampling methods found in Chapter 20-64, F.A.C.

(3) The FQSC Program authorized by this rule shall be applicable to finished product inspection only, and is expressly not applicable to: a) inspection of fruit for maturity; and b) inspection of imported product.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.10(7), 601.24, 601.27, 601.49, 601.51 FS. History–New _____.

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

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

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

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Designating Grade on Container, Registration of Labels for Grade, and Notice of Labeling – Processed Products

RULE CHAPTER NO.: 20-70

RULE TITLE: Notice Required

RULE NO.: 20-70.006

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.48 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-70.006 Notice Required.

Except for approved plants which operate under the Florida Quality Systems Certification Program, pursuant to Rule 20-64.025, F.A.C., and any rules or procedures adopted by the Florida Department of Agriculture and Consumer Services,

Every citrus processor shall advise the inspector on duty, or the Division of Fruit and Vegetable Inspection, at least 24 hours in advance of labeling lots of unlabeled merchandise that has been inspected and graded into Grade B, Grade C, or Substandard classification.

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

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

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

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

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Manifests for Processed Products

RULE CHAPTER NO.: 20-71

RULE TITLE: Manifest Requirements and Statements for

RULE NO.: 20-71.006

Transports of Processed Citrus Products
PURPOSE AND EFFECT: Amendment requiring participants in the Florida Quality Systems Certification Program to maintain manifests for purposes of audit.

SUMMARY: Requiring participants in the Florida Quality Systems Certification Program to maintain manifests for purposes of audit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1),(7), 601.11, 601.49, 601.51 FS.

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

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) through (5) No change.

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

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

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

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

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

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection –

RULE CHAPTER NO.: 20-72

Processed Products

RULE NO.: 20-72.006

RULE TITLE: Hours of Inspection

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1),(7) FS.
 LAW IMPLEMENTED: 601.02(4),(5), 601.10(7), 601.27, 601.31 FS.
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., December 21, 2005
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.006 Hours of Inspection.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products
 RULE CHAPTER NO.: 20-72
 RULE TITLE: Form of Certificate of Grade Inspection
 RULE NO.: 20-72.008
 PURPOSE AND EFFECT: Amendment clarifying Department of Agriculture.
 SUMMARY: Amendment clarifying Department of Agriculture.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1), 601.9901 FS.

LAW IMPLEMENTED: 601.9901 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.008 Form of Certificate of Grade Inspection.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products
 RULE CHAPTER NO.: 20-72
 RULE TITLE: Issuance of Certificates Under Florida Quality Systems Certification Program
 RULE NO.: 20-72.010
 PURPOSE AND EFFECT: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.
 SUMMARY: Prescribing the issuance of certificates under the Florida Quality Systems Certification Program.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.27 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.010 Issuance of Certificates Under Florida Quality Systems Certification Program.

Certificates of inspection and certificates of grade issued at approved Florida Quality Systems Certification (FQSC) Program plants must be issued pursuant to the terms of the "Florida Quality Systems Certification Program – Program Description and Guidelines" published by the Florida Department of Agriculture and Consumer Services, dated 09-16-05, incorporated herein by reference under the terms of Rule 20-64.025, F.A.C., and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services, and shall be on forms prescribed by the Florida Department of Agriculture and Consumer Services.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.27 FS. History--New _____.

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

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

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

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 050591-TP

RULE TITLE:

Design and Construction of Plant

RULE NO.:

25-4.036

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the proposed amendments, in addition to incumbent local exchange carriers,

also affect shared tenant service companies, alternative access vendor service companies and competitive local exchange companies.

SUMMARY: Rule 25-4.036, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Code. The proposed amendments would update the rule to reflect the 2005 edition of the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of ~~the 2002 Edition~~ of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NFPA ~~70-2002~~ 70-2005), pertaining to the construction of telecommunications facilities.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History--Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 20, May 20, 2005

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

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 050591-TP

RULE TITLE: Pay Telephone Service

RULE NO.: 25-24.515

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code.

SUMMARY: Rule 25-24.515, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Code. The proposed amendments would update the rule to reflect the 2005 edition of the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (~~NFPA 70-2005~~ NEPA 70-2002).

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 20, May 20, 2005

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

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting – Forms

RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC6-111D, Visitor Information Summary, for consistency with Rule 33-601.717, F.A.C., which provides for permanent denial of a prospective visitor who has been involved in an escape or attempted escape.

SUMMARY: Form DC6-111D, Visitor Information Summary, is being amended to provide for permanent denial of a prospective visitor who has been involved in an escape or attempted escape from any facility.

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: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) through (5) No change.

(6) DC6-111D, Visitor Screening Matrix, effective ~~9-29-03~~.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known As ICF/DD Facilities) RULE NO.: 59G-6.045

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the

Plan) payment methodology in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218:

Effective October 1, 2005, a percentage reimbursement rate reduction based on weighted average rates shall be established to achieve an annual aggregate total estimated savings of \$4,958,526 for the period ending June 30, 2006. The weighted average per diem rates as of October 1, 2005 and April 1, 2006 shall be the bases for the determination of these savings, and shall be compared to the weighted average per diem as of July 1, 2005. The full savings will be assumed realized if the combined weighted average rate for the periods October 1, 2005 and April 1, 2006 does not exceed the weighted average rate as of July 1, 2005.

Effective July 1, 2006, the annual aggregate amount the rates were reduced during the period October 1, 2005 through June 30, 2006 shall become a recurring annual reduction not to exceed \$4,958,526. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis.

SUMMARY: The Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan to achieve the cost savings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., December 1, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities). Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities),
 Version ~~IIIH~~, Effective Date ~~October 12, 2004~~, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 3-14-99, Amended 10-12-04, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Electronic Transmission of Plans, Specifications, Reports, and Seals

RULE NO.: 61G10-11.011

PURPOSE AND EFFECT: The Board proposes the new rule to address electronic transmission of plans, specifications, reports, and seals.

SUMMARY: The proposed new rule provides for use of electronically transmitted plans, specifications, reports, and seals, by Landscape Architects.

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: 481.306 FS.

LAW IMPLEMENTED: 481.321 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.011 Electronic Transmission of Plans, Specifications, Reports, and Seals.

(1) Landscape architecture work to be electronically sealed under the provisions of Chapter 481, F.S., stored or transmitted in an electronic format shall be signed, dated and sealed by the Landscape Architect in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however the final hard copy documents of such landscape architecture work must contain an original signature of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature or electronic signature. Landscape architecture work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, L.A. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

(4) Alternatively, electronic files may be signed and sealed by creating a "signature" file that contains the Landscape Architect's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained

from the Internet Website: <http://www.itl.nist.gov/div897/pubs/fip180-1.htm>. A report shall be created that contains the Landscape Architect's name and license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the Landscape Architect in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 481.306 FS. Law Implemented 481.321 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLES: RULE NOS.:
Obligations of Continuing Education Providers 61G17-5.0043
Approval of Classes 61G17-5.0051

PURPOSE AND EFFECT: One revision to Rule 61G17-5.0043, F.A.C., updates the time period that continuing education providers have to provide DBPR with a list of attendees taking a continuing education course. The Board's other changes to Rule 61G17-5.0043, F.A.C., expands the obligations of continuing education providers to maintain continuing education provider status. The amendments to Rule 61G17-5.0051, F.A.C., updates the content of sample continuing education course certificates.

SUMMARY: The Board's revisions to Rule 61G17-5.0043, F.A.C., revises the obligations of continuing education providers. Additionally, the Board's revisions to Rule 61G17-5.0051, F.A.C., updates the content of sample continuing education course certificates.

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

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

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018 FS.

LAW IMPLEMENTED: 455.2123, 472.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-5.0043 Obligations of Continuing Education Providers.

(1) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion for the course or seminar.;

(2) Furnish each participant with an individual certificate of attendance that contains the licensee's name, the licensee's license number, the provider name, the provider number, the course name, the course number, date of course completion, and the continuing education category fulfilled by the course, complies with paragraph 61-6.015(4)(a), F.A.C. An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed. If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(e), F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(3) Continuing education must provide their Florida Department of Business and Professional Regulation (DBPR) continuing education provider number on all course advertisements.

(4) Continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(5) An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee.

(6) Providers must electronically provide to the Department a list of attendees taking a course within thirty (30) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed. (See Section 455.2178, Fla. Stat.)

(7) If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(8) Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(9)(3) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the course number and the provider number.

(10)(4) Allow only one continuing education credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being no less or no more than sixty (60) minutes of instruction.

(11)(5) Allow only one continuing education credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must sign, date and seal the exam and receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.

(12)(6) Notify the board within fourteen (14) days of any change in the address or telephone number of the provider.

(13)(7) Allow the Department's and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

(14)(8) Provide courses or seminars designed to enhance the education of surveyors and mappers in the practice of surveying and mapping.

(15)(9) Discontinue any course or seminar objected to under subsection 61G17-5.0041(5), F.A.C.

(16)(10) Discontinue allowing an instructor to conduct a course or seminar upon receipt of notice pursuant to subsection 61G17-5.0041(6), F.A.C., and provide timely confirmation of same as required by the rule.

~~(17)(11)~~ A course or seminar on minimum technical standards must focus on each minimum technical standard in Board rules and give examples of the practical application of each standard in the performance of a survey. A course or seminar on minimum technical standards does not focus on case law.

~~(18)(12)~~ All information or documentation, including electronic course rosters, submitted to the Department shall be submitted in a format acceptable to the Department. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider.

~~(19)(13)~~ On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection (5) above.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS History—New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, _____.

61G17-5.0051 Approval of Classes.

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

(d) The course provider shall submit to the Board a sample continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C., paragraph 61-6.015(4)(a), F.A.C., that is given to each course participant if the participant completes the course.

(e) through (4) No change.

Specific Authority 472.008, 472.018 FS Law Implemented 472.018 FS. History—New 8-18-03, Amended 6-23-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Probable Cause Panel RULE NO.: 61J1-1.009

PURPOSE AND EFFECT: Reduce the number of probable cause panel members from three (3) to two (2).

SUMMARY: The Board is reducing the number of probable cause panel members from three (3) to two (2).

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-1.009 Probable Cause Panel.

(1) No change.

(2) There may be two probable cause panel of the board.

The probable cause panels shall be composed of two ~~three~~ members of which ~~two~~ shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board. As provided in Section 455.225(4), Florida Statutes, two of the panel members may be former members of the board. Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.

Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History—New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Fees
 RULE NO.: 61J1-2.001

PURPOSE AND EFFECT: The Board is establishing a \$10 fee for a licensee to change licensure status at anytime other than at the time of biennial renewal. The Board is also establishing a fee to reinstate a null and void license pursuant to Section 455.271(6)(b), F.S.

SUMMARY: A licensee must pay a \$10 fee to change licensure status at any time other than at the time of biennial renewal. Additionally, an individual applying to reinstate a null

and void license pursuant to Section 455.271(6)(b), F.S., must pay a \$100.00 application fee and all past renewal fees from the time the individual’s license became null and void until the filing of the application for licensure reinstatement in order to have the application considered by the Board.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.271, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.001 Fees.

(1) through (14) No change.

(15) The fee to change licensure status at any time other than at the time of biennial renewal is \$10.

(16) An individual applying to reinstate a null and void license pursuant to Section 455.271(6)(b), Florida Statutes, must pay a \$100.00 application fee and also must pay all past renewal fees from the time the individual’s license became null and void until the filing of the application for licensure reinstatement.

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.61, 455.271(6)(b) FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-20.02, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-1-98, 10-29-98,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Inactive Registration
 RULE NO.: 61J1-2.005

PURPOSE AND EFFECT: Revise and update the manner in which a licensee applies for inactive or active licensure status. Also to refer licensees to Rule 61J1-2.001, F.A.C., to find the fee to change licensure status.

SUMMARY: Licensees may request inactive or active status in a manner as provided by the Department of Business and Professional Regulation. The rule also refers licensees to Rule 61J1-2.001, F.A.C. to find the fee to change licensure status.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.005 Inactive Registration.

(1) No change.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser in such a manner as provided by the Department. The fee to change licensure status is found in Rule 61J1-2.001, F.A.C. The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of business and Professional Regulation at 400 W. Robinson St., Orlando, Florida 32801.

(3) through (4) No change.

(5) A registered appraiser, whose registration is designated inactive pursuant to subsection (1), (2) or (3), may request an active registration in such a manner as provided by the Department on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) through (7) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Application by Individuals
 RULE NO.: 61J1-3.001

PURPOSE AND EFFECT: The Board needs to correct a typographical error in paragraph 61J1-3.001(6)(a), F.A.C. The rule also specifies what documents an applicant must submit to the Board if an applicant discloses that he or she has a criminal history, has had a civil judgment(s) rendered against the applicant, and/or has had a registration, license, or certification to practice any regulated profession, business, or vocation disciplined by a regulatory agency or any governmental entity.

SUMMARY: The Board is correcting a typographical error in paragraph 61J1-3.001(6)(a), F.A.C. The Board is also specifying what documents an applicant must submit to the Board if an applicant discloses that he or she has a criminal history, has had a civil judgment(s) rendered against the applicant, an/or has had a registration, license, or certification to practice any regulated profession, business, or vocation disciplined by any regulatory agency or any governmental entity.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.001 Application by Individuals.

(1) through (6) No change.

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere ~~contendere~~ (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) through (c) No change.

(d) If an applicant disclosed information pursuant to paragraphs 61J1-3.001(6)(a),(b), or (c), F.A.C., then the applicant must submit certified copies of the following documents along with his or her application to be considered for licensure: criminal judgments and sentences, civil judgments, civil decrees, and/or final orders by administrative and/or regulatory agencies pertaining to licensure. If such documents are no longer retained by a clerk of court or agency clerk or are no longer in existence, then the applicant must submit proof, such as a written affidavit or statement from a clerk of court or agency clerk, that said documents are no longer retained or are no longer in existence.

(7) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE:

Continuing Education

RULE NO.:

61J1-4.003

PURPOSE AND EFFECT: Establish a requirement that the minimum 30 hours of continuing education for all licensed, registered, and certified appraisers shall contain at least 3 hours reviewing and updating the roles and rules of supervisor and trainee appraisers and to establish an effective date for the new continuing education requirement.

SUMMARY: As of December 1, 2006, the minimum 30 hours of continuing education for all licensed, registered, and certified appraisers shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618, 475.628 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30-hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1, 2006, the minimum 30 hours of continuing education shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) through (8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 3, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 27, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Florida Real Estate Appraisal Board

RULE TITLE: Notice of Satisfactory Course Completion
 RULE NO.: 61J1-4.005
 PURPOSE AND EFFECT: Change the word designation to
 license in subsection 61J1-4.005(2), F.A.C.
 SUMMARY: The word designation is removed and the word
 license is inserted into subsection 61J1-4.005(2), F.A.C.
 SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: No Statement of Estimated Regulatory
 Cost was prepared.

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

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 475.613, 475.615, 475.617,
 475.6175, 475.618 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A HEARING WILL BE SCHEDULED AND
 ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE
 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Michael E. Murphy, Acting Director,
 Division of Real Estate, 400 West Robinson Street, Hurston
 Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.005 Notice of Satisfactory Course Completion.
 (1) No change.

(2) An application for renewal of an existing license
~~designation~~ shall contain an affirmation by the individual of
 having satisfactorily completed the applicable Florida Real
 Estate Appraisal Board prescribed, conducted or board
 approved course(s). The department shall perform random
 audits of at least 10% of the registrants, licensees, certificate
 holders and instructors to verify compliance with continuing
 education requirements. Each registrant, licensee, certificate
 holder and instructor shall retain the grade report as proof of
 successful completion of continuing education requirements
 for at least two years following the end of the renewal period
 for which the education is claimed. Failing to provide evidence

of compliance with education requirements as prescribed in
 Rules 61J1-4.003, .007, .008 and .009, F.A.C., or the
 furnishing of false or misleading information regarding
 compliance with said requirements shall be grounds for
 disciplinary action against the registrant, licensee, certificate
 holder or instructor.

(3) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617,
 475.6175, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005,
 Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 3, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Florida Real Estate Appraisal Board

RULE TITLE: Experience Requirement
 RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: The Board needs to change the rule
 so that experience claimed for all licensure classifications must
 be obtained after January 30, 1989, and must be USPAP
 compliant in order to comply with new Appraisal
 Subcommittee (ASC) requirements effective January 1, 2008.

SUMMARY: Effective January 1, 2008, all experience claimed
 for all licensure classifications must be obtained after January
 30, 1989, and must be USPAP compliant.

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 cost, or to provide a proposal for a
 lower regulatory cost alternative must do so in writing within
 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 455.213, 475.617 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A HEARING WILL BE SCHEDULED AND
 ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE
 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Michael E. Murphy, Acting Director,
 Division of Real Estate, 400 West Robinson Street, Hurston
 Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

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

(c) There is no maximum time limit as to when experience may be obtained or claimed; provided, however, effective January 1, 2008, all experience claimed for all licensure classifications must be obtained after January 30, 1989, and must be USPAP compliant.

(3) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 455.213, 475.617 FS. History--New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Advertising
RULE NO.: 61J1-7.003

PURPOSE AND EFFECT: The Board is amending this rule to regulate the content of trainee appraiser advertising to protect the health, safety, and welfare of the public.

SUMMARY: All trainee advertising must include the following: (a) the trainee’s name; (b) the trainee’s designation as a “state-registered trainee real estate appraiser”, “registered trainee”, or “trainee”; (c) the trainee’s license number; and (d) the name and license number of the trainee’s supervisory appraiser.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.003 Advertising.

(1) through (2) No change.

(3) All trainee advertising must include the following:

(a) The trainee’s name;

(b) The trainee’s designation as a “state-registered trainee real estate appraiser”, “registered trainee”, or “trainee”;

(c) The trainee’s license number; and

(d) The name and license number of the trainee’s supervisory appraiser.

Specific Authority 475.614 FS. Law Implemented 475.622 FS. History--New 10-15-91, Formerly 21VV-7.003, Amended 7-5-94, 7-23-97,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Medical Board Standards for Adequacy of Medical Records
RULE NO.: 64B-3.001

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: This rule provides the purposes for maintaining medical records, defines legible, specifies information to be contained within these records, and distinguishes records when the care is pursuant to court order or part of an independent medication examination.

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: 458.331(1)(m), 459.015(1)(o) FS.

LAW IMPLEMENTED: 458.331(1)(m), 459.015(1)(o) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.001 Medical Board Standards for Adequacy of Medical Records Definitions.

(1) Medical records are maintained for the following purposes:

(a) To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment.

(b) To furnish documentary evidence of the course of the patient's medical evaluation, treatment, and change in condition.

(c) To document communication between the practitioner responsible for the patient and any other health care professional who contributes to the patient's care.

(d) To assist in protecting the legal interest of the patient, the hospital, and the practitioner responsible for the patient.

(2) "Legible Medical Records" means medical records that can be read, deciphered, and understood. A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

(3) The medical record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

(4) All entries made into the medical records shall be accurately dated and timed. Late entries are permitted, but must be clearly and accurately noted as late entries and dated and timed accurately when they are entered into the record. However, office records do not need to be timed, just dated.

(5) In situations involving medical examinations, tests, procedures, or treatments requested by an employer, an insurance company, or another third party, appropriate medical records shall be maintained by the physician and shall be subject to Section 456.061, F.S. However, when such examinations, tests, procedures, or treatments are pursuant to a court order or rule or are conducted as part of an independent

medical examination pursuant to Section 440.13 or 627.736(7), F.S., the record maintenance requirements of Section 456.061, F.S., and this rule do not apply. Nothing herein shall be interpreted to permit the destruction of medical records that have been made pursuant to any examination, test, procedure, or treatment except as permitted by law or rule.

Specific Authority 458.331(1)(m), 459.015(1)(o) ~~459.105(1)(e)~~ FS. Law Implemented 458.331(1)(m), 459.015(1)(o) ~~459.105(1)(e)~~ FS. History--New 9-29-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES:	RULE NOS.:
Requirements for Certification	64B9-4.002
Program Guidelines	64B9-4.003

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add to this rule the requirement that after July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board. For Rule 64B9-4.003, F.A.C., the Board proposes to add to this rule the requirement that programs leading to doctoral degrees be included as programs required to meet the graduation criteria applicable to Advanced Registered Nurse Practitioners. SUMMARY: For Rule 64B9-4.002, F.A.C., it is added as a requirement that after July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board. For Rule 64B9-4.003, F.A.C., it is added as a requirement that programs leading to doctoral degrees be included as programs required to meet the graduation criteria applicable to Advanced Registered Nurse Practitioners.

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

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

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-4.002 Requirements for Certification.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be certified as an Advanced Registered Nurse Practitioner shall submit an application to the Department, on forms prescribed by it, as incorporated in subsection 64B9-4.004(1), F.A.C., demonstrating that the applicant holds a current unencumbered license to practice professional nursing in Florida.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board ~~as required~~. After July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board.

(3) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00,_____.

64B9-4.003 Program Guidelines.

(1) The nurse practitioner certificate program which prepares the registered nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) through (i) No change.

(2) Graduation from a program leading to a master's, ~~or~~ a post-Masters, a doctoral, or post-doctoral degree, which prepares the nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) through (f) No change.

Specific Authority 464.006, 464.012 FS. Law Implemented 456.072(1)(f), (2), 464.012, 464.018(1)(b) FS. History—New 8-31-80, Amended 3-16-81, 2-28-82, 6-18-85, Formerly 21O-11.24, 21O-11.024, 61F7-4.003, Amended 5-29-96, 2-12-97, Formerly 59S-4.003, Amended 4-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES:	RULE NOS.:
Definitions	64B9-15.001
Certified Nursing Assistant Authorized Duties	64B9-15.002
Eligibility for Certification	64B9-15.003
Certified Nursing Assistant Registry	64B9-15.004

PURPOSE AND EFFECT: To implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.

SUMMARY: 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S. are implemented.

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

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-15.001 Definitions.

(1) through (5) No change.

(6) “General Supervision” means a registered nurse or a licensed practical nurse currently licensed under Chapter 464, F.S., to the extent allowed under Section 400.23(3), F.S., authorizing procedures being carried out by a certified nursing assistant but who need not be present when such procedures are performed. The certified nursing assistant must be able to contact the registered nurse or licensed practical nurse acting in accordance with Section 400.23(3), F.S., when needed for consultation and advice either in person or by communication devices. This definition is not applicable to a certified nursing assistant providing services in accordance with Sections 400.506(10)(b) and (c), F.S., or Part III of Ch. 400, F.S.

(7) "Direct Supervision" means the physical presence within the patient care unit of a healthcare facility or physical presence within a healthcare agency of a program instructor who assumes responsibility for the practice of the certified nursing assistant.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 8-31-03, Amended _____.

64B9-15.002 Certified Nursing Assistant Authorized Duties.

(1) A certified nursing assistant shall provide care and assist residents with the following tasks related to the activities of daily living only under the general supervision of a registered nurse or licensed practical nurse:

(a) Tasks associated with personal care:

1. Bathing;
2. Dressing;
3. Grooming;
4. Shaving;
5. Shampooing and caring for hair;
6. Providing and assisting with oral hygiene and denture care;

care:

7. Caring for the skin;
8. Caring for the feet;
9. Caring for the nails;
10. Providing pericare;
11. Bed making and handling linen;
12. Maintaining a clean environment;

(b) Tasks associated with maintaining mobility:

1. Ambulating;
2. Transferring;
3. Transporting;
4. Positioning;
5. Turning;
6. Lifting;
7. Performing range of motion exercises;
8. Maintaining body alignment;

(c) Tasks associated with nutrition and hydration:

1. Feeding and assisting the resident with eating;
2. Assisting the resident with drinking;

(d) Tasks associated with elimination:

1. Toileting;
2. Assisting with the use of the bedpan and urinal;
3. Providing catheter care;
4. Collecting specimens;
5. Emptying ostomy bags, or changing bags that do not adhere to the skin;
6. Bowel and bladder training;

(e) Tasks associated with the use of assistive devices:

1. Caring for dentures, eyeglasses, contact lenses, and hearing aids;

2. Applying established prosthetic and orthotic devices;
3. Applying braces;
4. Applying antiembolus stockings;
5. Assisting with wheelchairs, walkers, or crutches;
6. Using comfort devices such as pillows, cradles, footboards, wedges, and boots;

7. Assisting with and encouraging the use of self-help devices for eating, grooming, and other personal care tasks;

8. Utilizing and assisting residents with devices for transferring, ambulation, alignment, and positioning;

9. Using restraints;

(f) Tasks associated with maintaining environment and resident safety, including handling of blood and body fluid and cleaning resident care areas.

(g) Tasks associated with data gathering:

1. Measuring temperature, pulse, respiration, and blood pressure;

2. Measuring height and weight;

3. Measuring and recording oral intake;

4. Measuring and recording urinary output, both voided and from urinary drainage systems;

5. Measuring and recording emesis;

6. Measuring and recording liquid stool;

(h) Recognition of and reporting of abnormal resident findings, signs, and symptoms;

(i) Post mortem care;

(j) Tasks associated with resident socialization, leisure activities, reality orientation, and validation techniques;

(k) Tasks associated with end of life care;

(l) Tasks associated with basic first aid, CPR skills, and emergency care

(m) Tasks associated with compliance with resident's/patient's rights;

(n) Tasks associated with daily documentation of certified nursing assistant services provided to the resident;

(2) A certified nursing assistant shall perform all tasks with knowledge of and awareness of a resident's/patient's rights and developmental level.

(3) A certified nursing assistant shall not perform any task which requires specialized nursing knowledge, judgment, or skills.

(4) A certified nursing assistant may receive additional training beyond that required for initial certification and upon validation of competence in the skill by a registered nurse may perform such skills as authorized by the facility.

(5) A certified nursing assistant shall not work independently without the supervision of a registered nurse or a licensed practical nurse.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New _____.

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New _____.

64B9-15.004 Certified Nursing Assistant Registry.

(1) Definition: The Certified Nursing Assistant Registry is a listing of certified nursing assistants who receive certification pursuant to Section 464.203, F.S., and maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S.

(2) The registry is available through the Internet and contains the name and address of the certified nursing assistant.

(3) Records of certified nursing assistants in the registry who have been disciplined for any crime, or for any abuse, neglect, or exploitation as provided under Chapter 435, F.S., or for any violation of Chapter 456, Chapter 464, F.S., or rules of the board, are so indicated on the Internet look up screen.

(4) A certified nursing assistant may be removed from the registry if the certified nursing assistant fails to maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S., or by an order of the board.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Retired Status

RULE NO.: 64B10-12.0101

PURPOSE AND EFFECT: The Board finds it necessary to promulgate a rule because of the statutory change to Section 456.036, F.S. This statute now provides for a retired status license and gives boards the authority to impose a fee of up to \$50.00, if established by a rule of the board.

SUMMARY: The rule will implement a change in the statute and the board will charge a \$50.00 fee for choosing retired status at the time of license renewal.

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

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

SPECIFIC AUTHORITY: 456.025(2) FS.

LAW IMPLEMENTED: 456.025(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.0101 Retired Status.

An active status licensee or an inactive status licensee who chooses retired status at the time of license renewal must pay a retired-status fee of \$50.00.

Specific Authority 456.025(2) FS. Law Implemented 456.025(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Initial Fee for Licensure

RULE NO.: 64B19-12.0041

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate.

SUMMARY: A wall certificate will no longer be available for purchase.

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

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

SPECIFIC AUTHORITY: 456.013(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0041 Initial Fee for Licensure ~~and Wall Certificate.~~

(1) The initial fee for licensure is \$400.00.

(2) ~~Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.~~

(3) ~~Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

Specific Authority 456.013(2), 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History--New 7-7-86, Amended 6-1-89, 1-16-92, Formerly 21U-12.0041, Amended 6-14-94, Formerly 61F13-12.0041, Amended 1-7-96, Formerly 59AA-12.0041, Amended 1-25-00, 8-8-01, 4-16-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:
Reactivation Fee and Change of Status Fee 64B19-12.006

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a fee for reactivation of a retired status license.

SUMMARY: A fee for retired status license reactivation will be added to the rule.

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

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

SPECIFIC AUTHORITY: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036(4), (8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.006 Reactivation Fee and Change of Status Fee.

The fee for reactivation of an inactive or retired status license is \$50.00. Upon any change of status, including the election of retired status, a \$50.00 change of status fee shall be charged. Such fee(s) shall be in addition to the biennial licensure fee, if any, as prescribed in Rule 64B19-12.005, F.A.C.

Specific Authority 456.036(4) FS. Law Implemented 456.025, 456.036(4), (8) FS. History--New 1-29-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended 1-10-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:
Continuing Psychological Education Credit 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the requirements related to continuing education credit.

SUMMARY: The continuing education requirements will be updated by this rule amendment.

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

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

(a) through (i) No change.

(j) The provision of volunteer expert witness opinions for cases being reviewed pursuant to laws and standards relevant to the practice of psychology. Two hours of credit shall be awarded for each case reviewed up to a maximum of ten hours per biennium. In this regard, volunteer expert witnesses are expected to perform a review of the psychological, medical, legal, and/or ethical literature, as appropriate to the case being reviewed.

(2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

(a) One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Section 456.031(1)(a), F.S., and

(b) Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology.

(c) Two (2) of the forty (40) hours must relate to prevention of medical errors, including a study. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

(d) Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and

rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) No change.

(5) As a condition of biennial licensure renewal, each licensee who holds himself/herself out as a "Qualified Practitioner," under the definition of Section 947.005(9), Florida Statutes, must complete twenty (20) of the forty (40) hours on the evaluation and treatment of sexual offenders and related legal and ethical issues, in addition to the requirements above.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History--New 1-28-93, 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B19-17.002

PURPOSE AND EFFECT: The Board proposes to add a new disciplinary guideline to address the addition of new Section 456.072(1)(gg), Florida Statutes (2005).

SUMMARY: The rule adds a new disciplinary guideline to address a violation of Section 456.072(1)(gg), Florida Statutes. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared

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

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.
 (1)(a) through (aa) No change.

(bb) <u>Termination</u> <u>from</u> <u>impaired</u> <u>practitioner</u> <u>treatment</u> <u>program</u> (Section 456.072(1) (gg), F.S.	<u>From</u> <u>Suspension</u> <u>and a fine</u> <u>up _____ to</u> <u>\$10,000 to</u> <u>Revocation.</u>	<u>From</u> <u>Suspension</u> <u>and a fine</u> <u>up _____ to</u> <u>\$10,000 to</u> <u>Revocation.</u>	<u>Revocation.</u>
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(2) through (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Psychology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 7, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 26, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Standards and Training
 RULE CHAPTER NO.: 69A-37

PART I Qualification for Certificate
 of Compliance

RULE TITLE: Firefighter Training Course Medical
 Examination
 RULE NO.: 69A-37.037

PURPOSE AND EFFECT: To conform existing rule to changes made to Section 633.34, F.S., in the 2005 legislative session.

SUMMARY: Firefighter training course medical examination.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., November 28, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dave Casey, Chief, Bureau of Fire Standards & Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2818

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I Qualification For Certificate of Compliance

69A-37.037 Firefighter Training Course Medical Examination.

(1) No change.

(2) The medical examination shall be given by a physician, ~~or~~ surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 458, F.S.; ~~or~~ an osteopathic physician, ~~or~~ surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the State of Florida pursuant to Chapter 464, F.S. An individual shall receive this examination within the 6 month period prior to the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) through (4) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History--New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.037, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dave Casey, Chief, Bureau of Fire Standards and Training,
 Florida State Fire College, 11655 N. W. Gainesville Road,
 Ocala, Florida, phone: (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Randall Napoli, Director, Division
 of State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 3, 2005

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Firefighter Standards and Training	69A-37
RULE TITLES:	RULE NOS.:
PART IV: Live Fire Training	
Definitions	69A-37.401
Authorizations for Certified Personnel	69A-37.402
Compliance with Other Applicable Laws, Rules	69A-37.403
Requirements for Live Fire Training for Certified Personnel	69A-37.404
Requirements for Live Fire Training During Recruit Training	69A-37.405
Certification Prerequisites for Live Fire Training.	69A-37.406
Live Fire Instructor Training	69A-37.407
Live Fire Trainer Certification and Renewal	69A-37.408
Instructor Certification Revocation	69A-37.409

PURPOSE AND EFFECT: To adopt rules for procedures and standards involving live fire training as mandated by Section 633.821, Florida Statutes.

SUMMARY: Adopts procedures and standards for live fire training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., November 28, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 NW Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Bureau of Fire Standards & Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2818

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART IV: Live Fire Training

69A-37.401 Definitions.

The following words or terms have the following definitions unless the context clearly requires otherwise.

(1) “Live Fire Trainer,” sometimes referred to as LFT, means any person certified by the Florida State Fire College as an Instructor I, II, or III who has completed the Live Fire Trainer program, and who has successfully passed the certification examination.

(2) “Live Fire Adjunct Trainer,” sometimes referred to as “LFAT”, means any person certified by the Florida State Fire College as a Live Fire Adjunct Trainer.

(3) “Live Fire Instructor Trainer” means any person that meets all of the requirements for LFT and has completed the train-the-trainer course of study.

(4) “Live Fire Master Trainer” means any person certified by the Florida State Fire College as a Live Fire Master Trainer.

(5) “Live Fire Trainer Course” means the 40-hour training program required to become a Live Fire Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(6) “Live Fire Adjunct Trainer Course” means the 16-hour training program required to become a Live Fire Adjunct Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(7) “Live Fire Training” means the training of certified firefighters or candidates for firefighter certification involving:

(a) Acquired structures,

(b) Permanent training structures, and

(c) Liquid, gas fueled, or ordinary combustibles fires or props involving fire that are beyond the incipient stage and are not capable of being extinguished by the use of a single standard fire extinguisher.

(8) “NFPA” means the National Fire Protection Association

(9) “Instructor in Charge,” sometimes referred to as IIC, means any person certified as an instructor and designated by the authority having jurisdiction to be in charge of the live fire training evolution.

(10) “Safety Officer,” sometimes referred to as SO, means any person appointed by the authority having jurisdiction to maintain a safe working environment at all live fire training evolutions. The SO should not be confused with the “safety coordinator” as defined and used in Chapter 69A-62, F.A.C.

(11) “Student” means a current Florida certified firefighter or any individual undergoing training to become a Certified Firefighter 1 or a Certified Firefighter 2.

(12) “These rules” means Part IV of Chapter 69A-37, F.A.C.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.402 Authorizations for Certified Personnel.

(1) A Live Fire Trainer is permitted to serve in any position during live fire training.

(2) A Certified Live Fire Adjunct Trainer is permitted to lead crews, operate safety lines and perform in all other positions during live fire training except Instructor in Charge or Safety Officer.

(3) A Live Fire Instructor Trainer is permitted to provide training to eligible instructors under the auspices of a certified training center for both the "Live Fire Trainer" course and the "Live Fire Adjunct Trainer" course.

(4) A Live Fire Master Trainer is authorized to confer credentials to persons having successfully completed the prerequisites for Live Fire Trainer and Live Fire Adjunct Trainer and to conduct instructor train-the-trainer courses. No more than one person is authorized to hold the position of Live Fire Master Trainer in any facility.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.403 Compliance With Other Applicable Laws, Rules.

(1) Nothing in these rules supersedes any other Florida Administrative Code requirement such as those adopted by rule of the Department of Environmental Protection, any state law, or any local ordinance that is equal to, or that provides a greater degree of life safety than, these rules. These rules are in addition to and supplemental to any law, rule, or ordinance that provides an equal degree of safety as, or greater degree of safety than, these rules.

(2) Student training as part of the Firefighter 1 or 2 program must comply with certified trainer to student ratios according to the most current edition of NFPA 1403 as adopted in these rules.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.404 Requirements for Live Fire Training for Certified Personnel.

(1) Each IIC and SO must be certified as an LFTI.

(2) Any other person identified as actually leading a crew inside a structure or in the immediate proximity of an exterior prop and immediately supervising such training operations must be a Certified "Live Fire Adjunct Trainer."

(3) Any person operating a safety hoseline shall be selected based on his or her experience and capabilities, but is not required to be a certified instructor.

(4) Each firefighter, regardless of tenure, shall be trained to constantly identify hazards and alternative escape routes during interior fire suppression operations, inclusive of training exercises.

(5) Prior to live fire training drills, each firefighter must identify two means of egress or escape from each area.

(6) Live fire training in any structure must include instruction of the student in planning for a secondary means of egress or escape in case of an unexpected fire condition change. The use of any room with limited access shall not be used for live fire training instruction.

(7) No fire room shall be used when there are not at least two separate means of egress or escape available.

(8) Live fire used in training must not block the main or planned secondary exit of firefighters.

(9) Emergency ventilation must be planned to limit fire spread and improve habitability in the event such action is necessary. Neither the primary nor secondary egress point is permitted to be used for normal room venting.

(10) Each window used as a secondary means of egress shall have clear access, with the glass and impedances such as frame cross members removed. Windows are permitted to be loosely boarded to allow ventilation and to be easily removed without tools from the inside or outside. No exterior obstruction shall impede egress.

(11) A safety team with a hoseline having sufficient flow, but with not less than a minimum of 95 GPM, to extinguish a fire involving the entire fire room must be in place to monitor the fire and the training personnel. The safety team shall at all times monitor the progress of the crew being trained.

(12) Training mannequins must be readily identifiable as such and shall not be dressed in structural firefighter protective clothing that is possible to confuse with the clothing of an actual firefighter.

(13) Any person or agency conducting "search and rescue" types of training should limit their use of live fire. Realistic conditions can be simulated without the danger of live fire.

(14) Thermal imaging equipment should be used to monitor fire conditions and the location of firefighters during fire training. Thermal imaging is a valuable tool for firefighter safety, for more rapid victim search and rescue, and for fire suppression operations in hostile structural fires.

(15) Every pumper or other unit equipped with a pump supplying hoselines during interior fire operations shall have an assigned qualified pump operator present at that unit in case immediate operational changes are necessary.

(16) All internal crews and command staff shall have two way radio communications with verified performance throughout the entire structure or hot zone prior to beginning any evolution. Operations shall be conducted on a dedicated radio channel that shall not be a channel used for dispatching or for any other use during live fire evolutions.

(17) The "two-in - two-out" rule shall at all times be in effect during any live fire training.

(a) A minimum of two individuals shall be located outside the immediately dangerous to life and health (IDLH) atmosphere prepared to immediately make entry for the purpose of locating and rescuing a student or other person.

(b) Such person may be assigned an additional role that does not take him or her away from the immediate location or diminish his or her ability to immediately react; and such additional role shall not jeopardize the safety or health of anyone onsite by abandoning that other assignment.

(c) The Instructor In Charge, Safety Officer, and primary pump operator are not permitted to serve as members of the "two-out" personnel.

(18) The local emergency medical services (EMS) provider shall be apprised of the location and time of the evolution. Basic Life Support shall be provided on the scene and whenever possible Advance Life Support care and transport is recommended to be on scene. Planning shall include a landing zone for air transport, such as an emergency medical service helicopter.

(19)(a) The following portions of the 2002 edition of the National Fire Protection Association, Inc., Publication 1402, "Guide to Building Fire Service Training Centers," are hereby adopted and incorporated by reference.

1. 1402-7.2 Selecting an Architect/Engineer (A/E).
2. 1402-8.16 Emergency Care.
3. 1402-8.17 Building Maintenance.
4. 1402-10.2 Fire Temperature, and
5. 1402-11.3 Safety.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

(20)(a) The 2002 edition of the National Fire Protection Association, Inc., Publication 1403, "Standard on Live Fire Training Evolutions," is hereby adopted and incorporated by reference, excluding, however:

1. Any chapter entitled "Referenced Publications."
2. References to the National Fire Protection Association, Inc., Publication 1975, Station Uniform.
3. The National Fire Protection Association, Inc., Publication 1001, or any references to such publication in the National Fire Protection Association, Inc., Publication 1975.
4. Any reference to an authority having jurisdiction in the National Fire Protection Association, Inc., publication 1403, defined as the organization, office, or individual responsible for approving equipment, materials, installations, and procedures.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection

during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.405 Requirements for Live Fire Training During Recruit Training.

(1) All requirements of Chapter 69A-37, F.A.C., must be met.

(2) The initial exposure to live-fire conditions in recruit training must be under the strict supervision and control of the authorized person or persons in charge, with immediate egress capabilities available at ground level.

(3) To observe basic fire behavior, each trainee shall be exposed to very basic props or scenarios and progressively build to more complex scenarios that approximate realistic conditions.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.406 Certification Prerequisites for Live Fire Training.

(1) The Instructor I and Firefighter II certifications are prerequisites for taking Live Fire Instructor Training.

(2) The person must be sponsored by the agency for which they will utilize certification such as a training center or fire department.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.407 Live Fire Instructor Training.

(1) LFT training must be conducted at a certified training center meeting the current requirements of Chapter 633, F.S. and Chapter 69A-37, F.A.C., inclusive of interior and exterior burn props. All training must be completed by a certified LFT.

(2) Training to be a Live Fire Trainer must be provided directly through the Florida State Fire College by a Live Fire Master Trainer.

(3) Qualification by local agency for fixed facility operation. The local agency utilizing fixed gas fired or ordinary combustibles type training buildings shall require all instructors to be trained and approved to operate said equipment in accordance with the manufacturer guidelines and local agency requirements.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.408 Live Fire Trainer Certification and Renewal.

(1) Successful completion of a Florida State Fire College approved certification test encompassing course objectives and materials with a passing score of 85% is required for certification.

(2) For triennial renewal, a person is required to complete the 8 hour LFT renewal course and each person seeking renewal must have participated as a primary instructor, IIC, or SO during the three year period on a fully compliant live training fire exercise.

(3) Any Live Fire Trainer must be associated with a fire department, pursuant to Chapter 69A-62, F.A.C. or certified training center pursuant to this chapter.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

69A-37.409 Instructor Certification Revocation.

LFMT, LFT, LFAT or LFIT Certification shall be revoked if:

(1) Any instructor certification renewal requirement is not met;

(2) Any medical treatment for injured participants is not provided or any participant is abandoned during any live fire exercise;

(3) Any prohibited material outside of the requirements of this rule and as defined in the adopted portions of NFPA 1403 is permitted to be used for Live Fire Training;

(4) Each established safety rule is not enforced;

(5) Full compliance with the adopted portions of NFPA 1403 is not met, excluding the identified exceptions.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dave Casey, Chief, Bureau of Fire Standards & Training, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida, phone: (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE:	RULE NO.:
Application of the Valuation of Life Insurance Policies	690-164.030

PURPOSE, EFFECT AND SUMMARY: To provide direction as to the application of Rule 690-164,020, F.A.C., to various product designs.

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(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:30 p.m., November 29, 2005

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com.

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 above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.030 Application of Rule 690-164.020, F.A.C., To Various Product Designs.

(1) Purpose. The purpose of this rule is to provide direction as to the application of Rule 690-164.020, F.A.C., to various product designs developed after March, 1999. Specifically, this rule provides examples of various policy features that constitute "guarantees" and gives directions on how to reserve for these guarantees in accordance with Rule 690-164.020, F.A.C. Obviously, new policy designs will emerge subsequent to the development of this rule. No statute, rule, or guideline can anticipate every future product design, and common sense and professional responsibility are needed to assure compliance with both the letter and the spirit of the law. While Rule 690-164.020, F.A.C., is a complex regulation, its intent is clear: reserves need to be established for the guarantees provided by a policy. Policy designs that are created to simply disguise those guarantees or exploit a perceived loophole must be reserved in a manner similar to more typical designs with similar guarantees.

(2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 690-164.020, F.A.C. However, the specified reserving approaches should be

modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

(a)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, the company cannot increase premiums after year 10 (i.e., the initial premium continues to be charged) unless some specified event occurs.

2. Application: The initial reserve segment is 30 years. Since the contract contains provisions that limit the company's ability to increase premiums, then the initial premium should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums is unrestricted.

(b)1. Situation: A term policy has an illustrated level premium for 30 years, the first 10 of which are guaranteed. Additionally, there is a refund option which provides that a specified refund will be paid if the premium ever increases. The refund must be requested within a limited time (e.g., 30 days) of receiving notice of the increase. Coverage terminates if the option is exercised.

2. Application: This example differs from the one above in that there is no specified event that has to occur in order for the company to impose a premium increase; however, the company must provide an additional benefit to the policyholder if it exercises this right. Thus the company does not have an unrestricted right to impose an increase after 10 years. If the contract contains provisions that require that additional benefits be provided to the policyholder in the event of a premium increase, even if these benefits are lost if not claimed within a stated time frame, then the initial premiums should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums does not require that additional benefits be provided. Therefore, the initial segment for this policy is 30 years.

(c)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, after year 10 the policyholder is protected against premiums being increased above the initial level, with the protection provided by a second company through either reinsurance, a second policy issued to the consumer, or an agreement between the companies.

2. Application: The combined reserves of the direct writer and the second company should be no less than the amount which the direct writer would hold if a) there were no second company and b) the initial reserve segment were 30 years. If this condition is not met, reserve credits for the direct writer should be disallowed. The reserve held by the direct writer should be based on the initial level premium being guaranteed for 30 years.

(d)1. Situation: A product has relatively high gross premiums but with a guaranteed dividend or guaranteed refund schedule, or by some other means guarantees a low net cost to the policyholder.

2. Application: The net amount of premium (i.e., gross premium less dividends or refunds) should be used in the reserve calculation. That represents the amount the insured actually pays for coverage. For products reinsured on either a coinsurance or modified coinsurance basis, the reinsurer's reserve calculation should also be based on the net premium (i.e., gross premiums less dividends or refunds guaranteed to be paid to the policyholder).

(e)1. Situation: A re-entry term product has an initial rate guarantee for 10 years, with loose or non-existent re-entry underwriting, allowing the policyholder to re-enter for an additional 20 years at specified favorable rates.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(f)1. Situation: A universal life policy has provisions such that, if the UL policy lapses prior to the 10th policy anniversary because the actual accumulation value (or cash value, depending on design) falls below zero but stipulated premiums have been paid, a substitute policy is guaranteed to be issued providing the same amount of insurance coverage at the same stipulated premium for the remainder of the 10-year period plus an additional 20 years.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(g)1. Situation: A reinsurance treaty provides for 30 years of level premiums on a current scale but directly guarantees those premiums for only the first 10 years. However, if the reinsurer increases the premiums after 10 years, the reinsurer agrees to increase the expense allowance such that the net payments (premium minus allowance) by the direct writer remains unchanged.

2. Application: Relative to the reinsurer's reserve calculation, the initial reserve segment should be 30 years and the valuation premium should be level over that period. In this instance, the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies. Although a bona fide expense allowance would typically not be considered in determining the valuation premiums and reserve segments, in this instance the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies."

(h)1. Situation: A universal life policy has a cumulative "premium catch-up provision" in which the coverage is guaranteed to remain in force as long as a stipulated premium is paid each year, and if the insured is paying less than is required to maintain the guarantee, there is an unlimited right to make up past premium deficiencies.

2. Application: Rule 69O-164.020, F.A.C., requires that "when a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees." Since secondary guarantees with "catch-up" provisions are capable of being reinstated up to the end of the secondary guarantee period, they constitute "unexpired secondary guarantees" which must be incorporated into the calculation of "the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees."

3. The basic and deficiency reserves for a secondary guarantee with a catch-up provision should be computed as if the stipulated premium requirement had been met. The basic reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" (i.e., before adjustment) basic reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" basic reserve be reduced below zero. The deficiency reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" deficiency reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" deficiency reserve be reduced below zero.

4. If a universal life policy with a "premium catch up provision" has a shadow account below the level necessary to maintain the secondary guarantee, then the reserve for the secondary guarantee shall be valued according to this example. The basic and deficiency reserves, before deduction for the catch-up amount, shall be calculated as specified in subsection (i).

(i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.A.C., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, a determination should be made of the single payment necessary at the valuation date to fully fund the remaining secondary guarantee assuming that the minimum gross premiums have been paid, up through the valuation date, during the secondary guarantee period. The result from sub-subparagraph c. should be divided by this number.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e. and subsection (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b, then the basic and deficiency

reserves to be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b, and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

2. For policies and certificates issued on or after July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.S., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a. Consistent with Rule 69O-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 69O-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term "fully fund the guarantee" should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term "remainder of the secondary guarantee period" should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee can not be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments

depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c. should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, "assumptions" include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and, (2) the amount of the excess from sub-subparagraph f. plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b., then the basic and deficiency reserves to

be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b., and no further calculation is required.

i. Ninth, an “increased basic reserve” should be computed by subtracting the “reduced deficiency reserve” in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This “increased basic reserve” is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

(3) Effective Date.

(a) The application of this rule shall be to policies issued on or after December 24, 2003.

(b) Subparagraph (2)(i)2. shall apply to all policies and certificates issued on or after July 1, 2005.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES: RULE NOS.:

Filing, Approval of DMPO Plans, Rates and Related Forms 69O-203.204

Bundled Products 69O-203.205

PURPOSE, EFFECT AND SUMMARY: The changes to the rules are to provide clarity of the information to be included in a filing when the Discount Medical Plan Organization (DMPO) plan includes other bundled services.

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: 636.232 FS.

LAW IMPLEMENTED: 624.424(1), 636.208, 636.216, 636.230 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., December 7, 2005

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

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 above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) through (2) No change.

(3) A filing shall consist of the following items:

(a) through (d) No change.

(e) Other information as indicated in Rule 69O-203.205, F.A.C., as applicable.

Specific Authority 636.232 FS. Law Implemented 624.424(1)(c), 636.208, 636.216 FS. History—New 4-7-05, Amended _____.

69O-203.205 Bundled Products.

(1) The provisions of Section 636.230, F.S., recognize that the discount medical plan may be combined together with other products. Any filing of a bundled product made pursuant to Rule 69O-203.204, F.A.C., shall clearly identify the discount medical plan component separately from each other component.

(2) When the bundled product contains a product that is insurance or other regulated product, the filing shall contain the following:

(a) Identification of the licensed insurer underwriting the insurance product.

(b) Disclosure of the specific policy form number providing the underlying insurance coverage issued by the licensed insurer.

(c) Disclosure of the Florida filing log number where the insurance product was filed with the Office.

(d) A copy of the rate schedule from the insurer on insurer paper or letterhead identifying the product and rates for the coverage being bundled with the discount plan.

(e) Identification of how the discount plan applicant is applying for the insurance coverage, i.e., on the enrollment form, complete a separate application, etc., and

(f) When the insurance coverage is provided under a group policy:

1. Identification of the group policyholder that the insurance coverage is issued to, and

2. An explanation of how the discount plan applicant is an eligible individual for coverage under the group pursuant to the group's eligibility standards.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001 RULE TITLE: Division of Cultural Affairs

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., in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 38 of the September 23, 2005 issue of the Florida Administrative Weekly.

When adopted the rule will read as follows:

IT-1.001 Division of Cultural Affairs.

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

(1) through (7) No change.

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

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

recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

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

2. Funding categories. The following four categories will be used to determine funding eligibility:

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

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

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

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

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

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

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

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

d. Agency's method for managing and evaluating specific activities described in criteria sub-paragraphs 3.a. and b. Management areas addressed may include the roles of staff and board members; professional development opportunities; and