

behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(8) Guidelines for the Quality Repair of Residential Property at a Reasonable and Fair Price.

(a) The provisions of insurance policies and applicable statutes require claims payments made by insurers to be sufficient to effectuate required repairs. Further, misrepresentation by any person regarding the cost of repairs is also prohibited. ~~The Department of Financial Services has developed construction pricing guidelines based upon information provided by the construction industry, the insurance industry and nationally recognized vendors that compile and sell construction pricing guidelines. Insurers and policyholders participating in mediations conducted pursuant to this rule shall use Form DFS-II-1610 Guidelines for Quality Repair of Residential Property At A Reasonable and Fair Price, rev. 12/04, hereby incorporated and adopted by reference, as guidelines for repairs to residential property arising in any county of this state in which a state of emergency was declared as a result of a hurricane or tropical storm in 2004. These guidelines are not intended to be used in the context of civil litigation. The guidelines reflect data from both the construction and insurance industries and the ranges take into consideration price differentials between geographic areas of the state.~~

(b) Due to the disparity between the contractor's estimates and the insurer's estimates for the repair or replacement of damaged property, the Department collected construction pricing information from the insurance and construction industries to provide some guidelines on the fair market value of construction materials and labor costs taking into consideration price differentials between the geographic areas of the state. These construction pricing guidelines are set forth in Form DFS-II-1610, Guidelines for Quality Repair of Residential Property at a Reasonable and Fair Price, revised 12/04, which are hereby incorporated and adopted by reference. These construction pricing guidelines may be used by the parties and mediators at the mediation conferences to resolve the disparities in repair and replacement cost estimates and to assist in arriving at a mediated settlement of the claim. The construction pricing guidelines are not intended to be used outside of the mediation conferences taking place as a result of the 2004 hurricanes.

~~(c)(b)~~ The guidelines adopted herein do not apply to any portion of repairs necessary to fulfill the insurer's contractual obligation to restore the insured residence to pre-hurricane condition where, as of the effective date of this rule, there is an executed repair contract to effectuate such repairs for an agreed price and the insurer has tendered full payment for the repair contract amount for those repairs.

(9) through (15) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1)(2)(4)(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 5-18-05, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:

RULE TITLE:

12D-7.003

Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. This change is in accordance with Section 120.54(3)(d)1., F.S. The rule title and paragraph (a) of subsection (2) have been changed so that, when adopted, the rule title and this paragraph will read:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members ~~Veterans~~, Spouses.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, ~~veterans~~ shall be considered to be the same constitutional disability exemption provided for by

Section 196.202, Florida Statutes. The unremarried surviving spouse of such a disabled ex-service member veteran who was married to the ex-service member veteran for at least 5 years at the time of the ex-service member's veteran's death is allowed the exemption.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

CHANGE NOTICE/NOTICE OF RESCHEDULED HEARINGS

SUMMARY OF CHANGE: Due to the recent hurricane, the public hearings for this proposed toll rate increase for I-75/Alligator Alley have been rescheduled as follows:

DATE AND TIME: December 8, 2005, Informal Meeting at 6:00 p.m., Formal Public Hearing begins at 6:30 p.m.

PLACE: City of Davie, Police Station Public Meeting Room, 1230 South Nob Hill Road, Davie, Florida

DATE AND TIME: December 14, 2005, Informal Meeting at 6:00 p.m., Formal Public Hearing begins at 6:30 p.m.

PLACE: Naples Airport Conference Room, 200 Aviation Drive North, Naples, Florida

Notice was published in *Florida Administrative Weekly*, Vol. 31, No. 43, October 28, 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 BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-6.002	Definitions
61G17-6.003	General Survey, Map, and Report Requirement
61G17-6.004	Specific Survey, Map, and Report Requirement

NOTICE OF CORRECTION

The above-proposed Notice of Additional Public Hearing was published in the October 28, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 43. The date that read "January 12, 2005" should be changed to read "January 12, 2006". The foregoing change does not affect the substance of the notice.

The person to be contacted regarding the above change is: John Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 33620-7676.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-9.015	Qualifications of Physicians Who Evaluate and Treat Sex Offenders

NOTICE OF CORRECTION

The above-referenced Notice of Rule Development Workshop was published in Vol. 31, No. 44, of the November 4, 2005, issue of the Florida Administrative Weekly. The time for the workshop, which was originally published as 2:00 p.m., has been changed and will now be held at 4:00 p.m. The date and location of the workshop remain the same. The person to be contacted regarding the above change is Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin # C03, Tallahassee, FL 32399-3253.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-14.011	Qualifications of Physicians Who Evaluate and Treat Sex Offenders

NOTICE OF CORRECTION

The above-referenced Notice of Rule Development Workshop was published in Vol. 31, No. 44, of the November 4, 2005, issue of the Florida Administrative Weekly. The time for the workshop, which was originally published as 2:00 p.m., has been changed and will now be held at 4:00 p.m. The date and location of the workshop remain the same. The person to be contacted regarding the above change is Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin # C06, Tallahassee, FL 32399-3256.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NOS.:	RULE TITLES:
64B18-14.002	Penalties
64B18-14.010	Citations

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 32, of the August 12, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

1. Subsection 64B18-14.002(rr) shall read as:

(rr) Failure to submit or update required information within 45 days. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,5000.00 to \$5,000.00 pursuant to Section 456.039(3), Florida Statutes.

Specific Authority 456.039(3), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

2. Rule 64B18-14.010 Specific Authority shall read as:

Specific Authority 456.057, 456.072, 456.077, 456.077(2), 461.012, 461.13(7) FS.

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.003 RULE TITLE: Unprofessional Conduct; Definition
SECOND NOTICE OF CHANGE

Notice is hereby given that the following change has been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the first change of the proposed rule, which was published in Vol. 31, No. 44 of the November 4, 2005 issue of the Florida Administrative Weekly. The proposed rule was originally published in Vol. 31, No. 24 of the June 17, 2005 issue of the Florida Administrative Weekly. This change is made to add text inadvertently left out in the previous Notice of Change. The Board approved this change at its October 14, 2005 meeting. When changed, paragraph (1)(d) of the rule shall read:

(d) Providing false or incorrect information to an employer regarding the status of the certification, registration, or licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE TITLE: Oranges: 2005-06 Anhydrous Acid Maturity Standards

RULE NO.: 20ER05-10

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Florida Citrus Processors Association, a non-profit industry organization located in Winter Haven, Florida. This emergency is due to high winds experienced during Hurricane Wilma, causing a significant portion of the orange crop to be windblown from the trees and such emergency action would allow the salvage of wholesome fruit. Strict enforcement of the anhydrous acid content requirements, which were adopted largely to control abuse of plant growth regulators that are no longer in use, could cause economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on October 27, 2005, the Florida Citrus Commission found that there exists unusual conditions which could cause a substantial portion of the orange crop to fail minimum acid requirements and voted to adopt Emergency Rule 20ER05-10, adjusting the percentage of anhydrous citric acid requirement for oranges for fresh and processed use from .40 to .36 for a period ending December 1, 2005.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-10 adjusting the percentage of anhydrous citric acid requirements for oranges, in that notice was made via email of the meeting on October 26, 2005, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.