

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, Room 118K, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0370, Telephone: (850)410-9662 e-mail: andrea.moreland@fldfs.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, Room 118K, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0370, Telephone: (850)410-9662, e-mail:andrea.moreland@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-2.022	Public Inspection and Copying
12-2.023	Final Orders Required to be Indexed
12-2.025	Designation of Official Reporter
12-2.026	Numbering of Final Orders

PURPOSE AND EFFECT: (A) The purpose of the proposed amendments to Rule 12-2.022, F.A.C., is to provide guidance to the public regarding inspection and copying of final orders pertaining to the Child Support Enforcement Program. The effect is to provide information to the public concerning the location, inspection and copying of final orders issued by the Child Support Enforcement Program, as well as the responsibilities of the Deputy Agency Clerks for the Program. (B) The purpose of the proposed amendments to Rule 12-2.023, F.A.C., is to inform the public of final orders required to be indexed by the Child Support Enforcement Program. The effect is to ensure the public understands that final orders issued by the Child Support Enforcement Program will be excluded from indexing, unless the final order is of precedential value. (C) The purpose of the proposed amendments to Rule 12-2.025, F.A.C., is to inform the public that administrative child support final orders will be indexed,

listed and maintained by the child support enforcement Deputy Agency Clerks. The effect is to ensure the public understands which child support enforcement final orders will be listed and maintained by the Deputy Agency Clerks. (D) The purpose of the proposed amendments to Rule 12-2.026, F.A.C., is to inform the public of the Department’s numbering of final orders issued by the Child Support Enforcement Program. The effect is to create two agency prefix designations and eleven sub-suffix designations for use in numbering final orders issued by the Child Support Enforcement Program.

SUMMARY: A) The proposed amendments to Rule 12-2.022, F.A.C., conform this rule to the proposed changes in Rules 12-2.023, 12-2.025, and 12-2.026, F.A.C. Also, these proposed amendments clarify how the public can seek information or copies of child support enforcement (CSE) final orders from the Department. B) The proposed changes to Rule 12-2.023, F.A.C., add final orders issued to administratively establish a support order or to determine paternity to the list of agency final orders that do not have to be indexed, unless such support or paternity order has precedential value as discussed in paragraphs (a) through (d) of subsection (1) of this rule. C) The proposed revisions to Rule 12-2.025, F.A.C., specify which office will list and maintain final orders pertaining to CSE. D) The proposed amendments to Rule 12-2.026, F.A.C., add several child support enforcement final order categories to the list used by the Department, including “Paternity Only Orders” and “Paternity and Support Orders”, and revises the index numbering structure to enable the various types of child support orders to be specifically identified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 120.533, 213.06(1), 213.071, 409.2557(3), 409.256(17), 409.2563(16) FS.

LAW IMPLEMENTED: 120.53(2), (3), (4), 409.256, 409.2563 FS.

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

DATE AND TIME: Tuesday, October 31, 2006, 9:30 a.m.

PLACE: 4070 Esplanade Way, Room 301, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Larry Green at (850)922-4830. A person who is hearing-impaired or speech-impaired, should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12-2.022 Public Inspection and Copying.

(1) The following shall be made available from the agency for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying final orders which are indexed.

(c) A list of all final orders which are not indexed, which must be listed pursuant to Rule 1S-6.005, F.A.C.

(2)(a) The Agency Clerk shall assist the public in obtaining information pertaining to final orders, except for final orders for child support enforcement. The Office of the Agency Clerk is located at the Department of Revenue, Carlton Building, Room 204, Tallahassee, Florida 32399-0100, Phone Number (850)488-0712. ~~The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding state holidays and weekends.~~

(b) The Office of the Deputy Agency Clerks for the Child Support Enforcement Program shall assist the public in obtaining information regarding final orders for child support enforcement.

1. For purposes of final orders for child support enforcement, except for administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 4070 Esplanade Way, Tallahassee, FL 32399-3150, Phone Number (850)922-9590.

2. For purposes of administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 400 W. Robinson Street, Suite S-509, Orlando, FL 32801, Phone Number (407)317-7765.

(c) The office of the Agency Clerk and the offices of the Deputy Agency Clerk are open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding state holidays and weekends.

(3)(a) Final orders, except final orders for child support enforcement, required to be indexed may be found by utilizing the Department's official reporter, Florida Administrative Law Reports (FALR). The official reporter is found at most county law libraries, and is available by subscription at Florida Administrative Law Reports, Post Office Box 385, Gainesville, Florida 32602, Phone Number (904)375-8036.

(b) Final orders relating to child support enforcement that are required to be indexed are located at the offices of the Deputy Agency Clerks, as provided in subsection (2).

(4)(a) Except for final orders relating to child support enforcement, final ~~Final~~ orders that ~~which~~ are listed, but not indexed and published, and the list of such final orders are maintained at the Office of the Agency Clerk ~~and available for public inspection and copying at cost.~~

(b) Deputy Agency Clerks will render, file, index, and certify final orders relating to child support enforcement. Final orders relating to child support enforcement that are listed, but not indexed and published, and the list of those final orders are maintained at the offices of the Deputy Agency Clerks for the Child Support Enforcement Program.

(5) Certified copies of final orders pertaining to child support enforcement may be obtained from the Deputy Agency Clerks at their office designations, as provided in subsection (2). Certified copies of other final orders may be obtained from the Office of the Agency Clerk. The Department will charge fees, as provided in Section 119.07(1)(a), F.S., for certified copies of final orders. ~~The list of final orders not indexed and published is maintained at the Office of the Agency Clerk and is available for public inspection and copying at cost.~~

Specific Authority 120.533, 213.06(1), 213.071, 409.2557(3), 409.256(17), 409.2563(16) FS. Law Implemented 120.53(2)(a) FS. History--New 11-11-92, Amended.

12-2.023 Final Orders Required to be Indexed.

(1) For purposes of this part, final orders issued pursuant to Sections 120.565, 120.569, 120.57(1), (2), and (3), 409.256, and 409.2563, F.S., which are required to be indexed pursuant to Rule 1S-6.004, F.A.C., shall be indexed. The following categories of final orders are required to be indexed:

(a) A final order which discusses a substantial legal issue of first impression which is actually resolved in the case;

(b) A final order which establishes a rule of law, principle, or policy for the first time, which the agency will rely upon and apply in similar circumstances;

(c) A final order which alters, modifies, or significantly clarifies a rule of law, principle, or policy previously applied, announced, or relied upon by the agency; and

(d) A final order which resolves an apparent conflict in decisions of the agency or harmonizes decisions of appellate courts.

(2) Final orders rendered by the Division of Administrative Hearings pursuant to Sections 120.535, 120.54(4), and 120.56, F.S., will be indexed by the Division of Administrative Hearings.

(3) The following categories of final orders are excluded from indexing, but are listed pursuant to the provisions of Rule 12-2.024, F.A.C.:

(a) Final orders resulting from stipulations, agreed settlements, and consent agreements; ~~and~~

(b) Final orders in license or permit denial or revocation proceedings, unless the final order is of precedential value as described in paragraphs (1)(a) through (d); and

(c) Final orders issued by the child support enforcement program of the Department, unless the final order is of precedential value as described in paragraphs (1)(a) through (d).

Specific Authority 120.533, 213.06(1), 409.2557(3)(p), 409.256(17), 409.2563(16) FS. Law Implemented 120.53(2) FS. History–New 11-11-92, Amended _____.

12-2.025 Designation of Official Reporter.

(1) Child support enforcement final orders will be listed and maintained by the child support enforcement Deputy Agency Clerks.

(2) For all other Department final orders, the Department designates the Florida Administrative Law Reports as its official reporter for purposes of publishing and indexing by subject matter all Department final orders required to be indexed by s. 120.533, FS., and Rule 1S-6.004, F.A.C.

(3) The General Counsel, the General Counsel's designee, or Agency Clerk shall determine the final orders required to be indexed.

Specific Authority 120.533, 213.06(1) FS. Law Implemented 120.53(4) FS. History–New 11-11-92, Amended _____.

12-2.026 Numbering of Final Orders.

(1) All final orders shall be sequentially numbered at the time of rendition.

(2) The sequential number shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix ~~DOR~~, shall precede the two-part number. The agency designated prefixes are:

(a) “DORCSA” for administrative paternity and support orders rendered by the Child Support Enforcement Program.

(b) “DORCSO” for all other final orders rendered by the Child Support Enforcement Program.

(c) “DOR” for all final orders not rendered by the Child Support Enforcement Program.

(3) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

(a) DS – Declaratory Statement

(b) FOI – Final Order/Informal Proceedings

(c) FOF – Final Order/Formal Proceedings

(d) AS – Agreed Settlement

(4) For child support enforcement administrative paternity and support orders, the applicable categories shall be added as a sub-suffix succeeding the applicable order categories in subsection (3). The sub-suffix categories are as follows.

(a) Paternity Only: ESTPAT – Establishment of Administrative Paternity Order

(b) Paternity and Support:

1. ESTPAS – Establishment of Administrative Paternity and Support Order

2. MODPAS – Modification of Administrative Paternity and Support Order

3. SUSPPAS – Suspension of Administrative Paternity and Support Order

4. REIPAS – Reinstatement of Administrative Paternity and Support Order

5. TERMPAS – Termination of Administrative Paternity and Support Order

(c) Support Only:

1. ESTS – Establishment of Administrative Support Order

2. MODS – Modification of Administrative Support Order

3. SUSPS – Suspension of Administrative Support Order

4. REIS – Reinstatement of Administrative Support Order

5. TERMS – Termination of Administrative Support Order

Specific Authority 120.533, 213.06(1) FS. Law Implemented 120.53(2), (3), (4), 409.256, 409.2563 FS. History–New 11-11-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharyn Thomas, Revenue Program Administrator II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006, Vol. 32, No. 31, pp. 3579-3581. A workshop was held on August 22, 2006. No one other than Department staff presented written or verbal comments at the workshop. No comments have been submitted on these proposed rules.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-603.101
RULE TITLE: Use of Committed Name

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how an inmate's committed name is established.

SUMMARY: Amends the rule to clarify how an inmate's committed name is established for multiple cases imposed on the same date or on separate dates.

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 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 FS.

LAW IMPLEMENTED: 944.09 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.101 Use of Committed Name.

(1)(a) In order to avoid conflicts in mailing and visiting privileges, as well as to assist inmates in making bank and canteen transactions and ensure timely delivery of legal documents, and to provide staff with a consistent means of inmate identification for security and daily institutional operation purposes, each inmate shall be recognized by the department under the name on the initial commitment under which the inmate was received. The committed name shall be obtained from the information or indictment page of the commitment package, not from the uniform commitment to custody cover sheet. For multiple cases imposed on separate dates, the committed name is the name on the information page of the commitment of the earliest imposed case. For multiple cases imposed on the same date, commitments are arranged according to service of the sentences or sequential order as directed by the sentencing court and the committed name is the name on the information page of the first imposed case as so designated. For multiple cases imposed on the same date where the order of sentencing cannot be determined, the cases are arranged numerically and the committed name is the name on the information page of the commitment with the lowest case number. For multiple cases imposed on the same date, the committed name is the name listed on the earliest chronological case. This name shall be the inmate's official identification throughout the continuous incarceration of the

inmate on that sentence or combined sentences and must be included on any official document sent or received by the inmate except as provided in subsection (3) below.

- (b) through (d) No change
- (2) through (4) No change.

Specific Authority ~~20.315~~, 944.09 FS. Law Implemented 944.09 FS. History--New 9-30-93, Formerly 33-6.012, Amended 4-29-02, 5-20-03, 7-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doyle W. Kemp, Bureau Chief, Sentence Structure and Population Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Pridgen, Deputy Assistant Secretary of Institutions-Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE CHAPTER NO.: 62B-49
RULE CHAPTER TITLE: Joint Coastal Permits and Concurrent Processing of Proprietary Authorizations

RULE NOS.:
62B-49.001 Scope
62B-49.002 Definitions
62B-49.003 Policy
62B-49.004 Consultation
62B-49.005 Application Requirements and Processing Procedures
62B-49.006 Fees
62B-49.007 After-the-Fact Permits and Authorizations
62B-49.008 Permit Modifications
62B-49.009 Emergency Permitting Procedures
62B-49.010 Transfer of Permits and Authorizations
62B-49.011 Time Limits on Permits and Authorizations
62B-49.012 Suspension and Revocation
62B-49.013 General Conditions

PURPOSE AND EFFECT: To update the rule to reflect subsequent updates to the statutes, and to modernize procedures for application.

SUMMARY: Chapter 62B-49, F.A.C., provides the rules and procedures for obtaining joint coastal permits for activities upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, seaward of the CCCL.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 120.60, 120.63, 161.041, 161.0535, 161.054, 161.055, 161.061, 370.021(1), 373.427 FS.

LAW IMPLEMENTED: 120.569, 161.041, 161.0535, 161.055, 161.061, 253.77, 258.43, 373.427 FS.

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

DATE AND TIME: November 3, 2006, 10:00 a.m. – 1:00 p.m.

PLACE: The Bureau of Beaches and Coastal Systems Training Room, Building B, 5050 West Tennessee Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rosaline Beckham, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)488-7815. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rosaline Beckham, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)488-7815

THE FULL TEXT OF THE PROPOSED RULES IS:

62B-49.001 Scope.

This chapter implements the provisions of Section 161.055, F.S. Florida Statutes, by combining the regulatory requirements of the coastal construction program (Section 161.041, F.S.) with the environmental resource (or wetland resource) permit program (Part IV of Chapter 373, F.S.) to establishing the joint coastal permit program. Activities that would have required both a coastal construction permit and an environmental resource (or wetland resource) permit, are now authorized by a single joint coastal permit. A joint coastal permit is issued when both a coastal construction permit required pursuant to Section 161.041, Florida Statutes, and an environmental resource permit pursuant to Part IV of Chapter

~~373, Florida Statutes, are required. In addition, (This Chapter also provides for concurrent review of any activity requiring a joint coastal permit that also requires a proprietary authorization for use of sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund. This Chapter also establishes procedures for processing applications for joint coastal permits and the linked proprietary authorizations. In the event that there is a conflict between the procedural requirements of this Chapter and other procedural rules promulgated pursuant to the referenced statutes, then this chapter shall govern. The standards and criteria for issuance of joint coastal permits include the criteria for environmental resource or wetland resource permits pursuant to Rule 62-312 and the rules adopted under Rule 62-330, F.A.C., the and coastal construction criteria permits pursuant to Rule 62B-41, F.A.C., and any specific criteria for issuance of a joint coastal permit listed in this Chapter. The criteria for the associated Title 62, Florida Administrative Code, and proprietary authorizations are found in Rules pursuant to Chapters 18-18, 18-20, 18-21, F.A.C. Florida Administrative Code, shall be applicable to the review of joint coastal permits.~~

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98,_____.

62B-49.002 Definitions.

For purposes of this Chapter, the following definitions shall apply:

(1) “Activity” is any construction, dredge and fill, or other action that requires a permit pursuant to Section 161.041, F.S. Florida Statutes, and an environmental resource or wetland resource permit pursuant to Part IV of Chapter 373, F.S. Florida Statutes, which action may also require and a proprietary authorization to use sovereignty submerged lands pursuant to Chapters 253 or 258, F.S. Florida Statutes.

(2) “Agent” is any person with the written power or authority to act for the applicant for purposes of an application submitted pursuant to Section 161.041, F.S. Florida Statutes, Part IV of Chapter 373, F.S. Florida Statutes, and, if applicable, Chapters 253 or 258, F.S. Florida Statutes.

(3) “Applicant” is any person, firm, corporation, county, municipality, township, special district, or any public agency having authority, pursuant to Section 161.041, Chapters 253 or 258 and Part IV of Chapter 373, F.S. Florida Statutes, to request a permit and, if necessary, an authorization to conduct activities upon sovereignty submerged lands of Florida.

(4) through (5) No change.

(6) “Coastal System” is the beach and adjacent upland dune system and vegetation; swash zone; surf zone; breaker zone; offshore and longshore shoals; reefs and bars; tidal, wind and wave driven currents; longshore and onshore/offshore drift of sediment materials; inlets and their ebb and flood tide shoals

and zones of primary tidal influence; all other associated flora and fauna, and natural and manmade topographic features and structures.

(7) No change.

(8) "Environmental Resource Permit" is a standard general or individual environmental resource permit, including a short form or standard form wetland resource management (dredge and fill) permit issued under Part IV of Chapter 373 Sections 373.414(11)-(16) or 373.4145, F.S. Florida Statutes, but excluding noticed general environmental resource permits.

(9) through (12) No change.

(13) "Proprietary Authorization" or "Authorization" is the necessary instrument providing authorization to conduct activities on sovereignty submerged land pursuant to Chapter 253 and, if applicable, or Chapter 258, F.S. Florida Statutes.

(14) "Request for Additional Information" or "RAI" is a written document from the Department to an applicant identifying errors, or omissions or clarifications in the application information that which must be provided by the applicant.

(15) "Sovereignty Submerged Lands" means those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks and lands waterward of the mean high water line, beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated, or This also includes those lands located seaward of an established erosion control line.

(16) "Substantial Revision" is a request by the applicant to revise a pending permit application such that the proposed changes would alter modify the nature or extent of a proposed activity to such a degree that the Department would need additional time to reevaluate the expected performance or impacts of the project. Requested revisions that only decrease the degree or extent of impacts at the same sites, and do not require a reanalysis to confirm this decrease, would not be considered Substantial Revisions significantly different environmental impacts are expected and reanalysis of the modified project will be necessary to complete processing. A modification proposed by the Department shall not be considered a substantial revision.

Specific Authority 161.041, 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History-New 10-12-95, Amended 2-19-98,_____.

62B-49.003 Policy.

(1) through (2) No change.

(3) Any application submitted pursuant to this chapter shall not be deemed complete, and the timeframe for approval or denial shall not commence until the Department has received all information required for: a coastal construction permit under Section 161.041, F.S. Florida Statutes and Rule Chapter 62B-41, F.A.C. Florida Administrative Code; an

environmental resource permit under Part IV of Chapter 373, F.S. Florida Statutes, and Title 62, F.A.C. Florida Administrative Code; and a proprietary authorization, under Chapter 253, F.S. and Rules Chapters 18-18, 18-20 and 18-21, F.A.C. Florida Administrative Code, if applicable.

(4) No change.

(5) Nothing in this Chapter shall be construed to limit an applicant's ability to make separate applications for stages, phases, or portions of a project separate from an activity requiring both: a proprietary authorization under Chapters 253 or 258, Florida Statutes; and a Joint Coastal Permit under Chapter 161, Florida Statutes.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History-New 10-12-95, Amended 2-19-98,_____.

62B-49.004 Consultation.

(1) No change.

(2) Consultations under this chapter are limited to evaluation of data provided by the interested party, in addition to information and that which is generally available to the staff. Consultations will address the specific criteria applicable to the proposed activity that are of special significance to the permitting requirements. Failure to address a specific process or criterion during the consultation process shall not preclude the issue being raised during review of the application.

(3) To obtain a consultation, the interested party must submit a written request for consultation citing this chapter. In addition the applicant is advised to provide a detailed description of the proposed activity, including:

(a) Submit a written request for consultation citing this Chapter;

(b) Provide a detailed description of the proposed activity including:

(a)1- The location of the proposed activity;

(b)2- Current topographic and bathymetric surveys;

(c)3- A plan view of the proposed activity;

(d)4- Typical cross-sectional elevation views of any proposed structure(s);

(e) Maps or aerial photographs showing the current extent of submerged biological communities and wetlands (if any) in the vicinity of the proposed activity;

(f)5- Geotechnical data on any borrow source and fill site; and

(g)6- Information required under Chapter 253, F.S., and Rules Chapters 18-18, 18-20 and 18-21, F.A.C. Florida Administrative Code, if applicable; Part IV of Chapter 373, and Section 161.041, F.S. Florida Statutes, to describe the proposed activity and its potential impacts.

(4) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History-New 10-12-95, Amended 2-19-98,_____.

62B-49.005 Application Requirements and Processing Procedures.

(1) ~~In order to make application for Any person desiring to obtain a joint coastal permit application, from the applicant Department shall submit one signed original and two (2) paper five copies of the application form and supporting documents, plus two (2) electronic copies of the full application package,~~ to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida, 32399-3000, using ~~the form, Application for a Joint Coastal Permit (DEP Form 73-500 (effective 12-06 6-95), entitled "Joint Application for a Joint Coastal Permit and Authorization to Use Sovereignty Submerged Lands,"~~ which is hereby incorporated by reference. Copies of the form may be obtained by writing to the above address or by downloading from the Bureau's web page.

(2) The applicant shall provide the specific information required by this Chapter, Section 161.041, ~~Chapter 253 and Florida Statutes, Part IV of Chapter 373, F.S. Florida Statutes, and Rules Chapters 18-18, 18-20 and 18-21, F.A.C. Florida Administrative Code, if applicable,~~ as well as ~~Rules Chapters 62B-41, 62-330, 62-343, 62-4, and 62-312, F.A.C. Florida Administrative Code.~~

(3) Within 30 days of receipt of an application for a joint coastal permit, the Department shall review the application to determine whether all information needed for a complete evaluation of the application has been submitted. If the Department determines the application to be incomplete, the Department will make a request for additional information within 30 days after receipt of the application. Within 30 days after receipt of each submittal of ~~timely requested~~ additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.

(4) An application shall be denied if the applicant fails to provide additional information to the Department within six (6) months after a written request for such information has been sent to the applicant. However, if the applicant can demonstrate that he or she has been actively working on collecting or developing the requested information, and that additional time will be required to complete their response to the "RAL," the applicant may request up to six (6) additional months to submit their response.

(5) No change.

(6) A notice of receipt of a complete or substantially complete joint coastal permit application shall be provided to any persons who have filed a written request for notification of any pending applications affecting the particular area in which the proposed activity is to occur. Such request shall expire after three (3) years. The notice that is distributed by the Department shall contain: the name and address of the applicant; a brief

description of the proposed activity, including any mitigation; the location of the proposed activity, including whether it is located within an Aquatic Preserve or other Outstanding Florida Water; a map identifying the location of the proposed activity; a depiction of the proposed activity; a name or number identifying the application; and the office where the application can be inspected. ~~Where a person has requested notice of the intended agency action for a specific application, the Department shall provide such person with notice of such intended agency action on that specific application.~~

(7) Where a person has filed a written request with the Department for notification of the intended agency action for a specific joint coastal permit application, the Department shall provide that person with notice of such intended agency action on that specific application.

~~(8)(7)~~ In addition to the notice required in subsections (6) and (7) above, the Department shall require an applicant to publish in a newspaper of general circulation in the area affected by the proposed activity, ~~at the applicant's expense,~~ a notice of receipt of the application and a separate notice of intended agency action on the application for those activities, which because of their size, potential effect on the environment or the public, controversial nature, or location, are reasonably expected by the Department to result in a heightened public concern or likelihood of request for administrative proceedings. The notice of intended agency action shall include a notice of all interested party's rights under Section 120.57, ~~F.S. Florida Statutes.~~ If the applicant fails to publish any notice required by the Department as provided in this chapter and to provide proof of publication the Department shall deny the application.

~~(9)(8)~~ The applicant, ~~all persons who filed comments on the proposed activity~~ and persons who have requested a copy of the intended agency action for a specific application shall be notified of the Department's consolidated notice of denial or intent to issue and their rights under Sections 120.567 and 120.57, F.S. Florida Statutes.

~~(10)(9)~~ When ~~an application under this Chapter includes a request for proprietary authorization, and~~ the authority to take final action on a such request for proprietary authorization has been delegated to the Department without the need for separate action by the Board of Trustees, the Department shall issue a consolidated notice of denial or intent to issue within 90 days of receiving a complete application under this chapter. The applicant may waive the ninety (90) day time limit specified under Sections ~~120.60(1)(2), 161.055 and 373.414127, F.S. Florida Statutes,~~ at any time.

~~(11)(10)~~ When ~~an application under this chapter includes a request for proprietary authorization and~~ the authority to take final action on a request for proprietary authorization has not been delegated to the Department, the Department shall review the application, issue a recommended consolidated notice of

~~denial or intent to issue shall be reviewed and take final agency action taken~~ in accordance with the procedures in Sections 373.427(2)(a)-(c), F.S. Florida Statutes.

~~(12)(11)~~ Upon issuance of the consolidated notice of denial or intent to issue or upon issuance of the recommended consolidated notice of denial or intent to issue pursuant to subsection ~~(11)(10)~~, the Department shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(2), F.S. Florida Statutes. Failure to satisfy these timeframes shall not result in approval by default of the request for proprietary authorization.

~~(13)(12)~~ Once the Department's consolidated intent becomes final, the Department shall prepare and mail the final agency action ~~and a notice to proceed~~ to the applicant, affected local governments, and all persons who requested in writing, notification pursuant to Section 373.413(3), F.S. Florida Statutes, and Rule Chapter 62-343, F.A.C. Florida Administrative Code. The permit shall include specific conditions necessary to help define the project or provide reasonable assurance that the project will meet applicable rules and statutes. If the Department has determined in the notice of consolidated intent that additional information, corrected plans or certain assurances are needed to ensure compliance with Florida Statutes, this Chapter and the permit, the Department shall require submittal of such by special condition. When this occurs, the Department will send the applicant a copy of the final agency action with appropriate instructions but will delay sending the notice to proceed until the required special conditions have been met. The permittee may not begin the activity until the notice to proceed has been received.

(13) through (16) renumbered (14) through (17) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History-New 10-12-95, Amended 2-19-98,_____.

62B-49.006 Fees.

(1) Each application for a joint coastal permit, except those applications filed by ~~state agencies created pursuant to Chapter 20, Florida Statutes, water management districts created pursuant to Chapter 373, Florida Statutes, and the U.S. Army Corps of Engineers,~~ shall be accompanied by the full application fee which is based on the sum of fees as required in Rules 62-4.050, 62-312.060, 62-343.070, ~~62-312.060~~ and 62B-41.0085, 18-21.008, 18-21.009 and 18-21.010, F.A.C. Florida Administrative Code. Refer to the Department's Bureau of Beaches and Coastal Systems web page for an automated fee calculation tool. If requested, the processing fee shall be waived for state agencies established pursuant to Chapter 20, F.S. Florida Statutes. If the application includes a request to use sovereign submerged lands owned by the Board of Trustees, the fees required under Rules 18-21.009(1)(g), 18-21.010(1)(i) and 18-21.008(1)(a)8., Florida Administrative Code, shall also accompany the application except Severance

and lease fees shall be paid prior to receipt of notice to proceed. Fees assessed pursuant to these rules are not refundable, except fees received for an activity that is exempt and fee payments in excess of the amount required by these chapters.

(2) When an application is received without the required fee, or with a fee that is less than the amount required, the Department shall begin processing the application. The Department shall calculate the full application fee based upon the information submitted, within 30 days of receipt of the application, request and notify the correct applicant of the calculated fee in a "RAI." If the applicant fails to remit the calculated correct processing fee within 45 days of the subsequent response (or partial response) to the "RAI," the Department shall deny the application pursuant to Section 373.109, F.S. Florida Statutes.

(3) The cost for publishing public notice of receipt of the application and public notice of intended agency action, as described in subsection 62B-49.005(8) F.A.C., shall be borne by the applicant. If the Department incurs publication costs as a result of the applicant's failure to publish, the final permit notice to proceed shall not be issued until such costs are reimbursed.

Specific Authority 161.0535, 161.055, 373.427 FS. Law Implemented 161.0535, 161.055, 373.427 FS. History-New 10-12-95, Amended 2-19-98,_____.

62B-49.007 After-the-Fact Permits and Authorizations.

Specific Authority 161.054, 161.055, 161.061, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 161.061, 373.427 FS. History-New 10-12-95, Amended 2-19-98, Repealed_____.

62B-49.008 Permit Modifications.

(1) Applications for major modifications to activities authorized under existing permits shall be processed in the same manner as new permits except that the Department shall not require any information that which has already been furnished to the Department to be submitted again unless the site conditions on which the permit was issued have changed. Along with the application, the applicant shall submit a new application form, any changes to the permit drawings, and information demonstrating that the activity continues to meet the permitting requirements in this chapter, including physical or biological surveys that reflect the current conditions (if those surveys are pertinent to the proposed modification).

(2) Major modifications are design changes that are of such size or nature that they are expected to either increase the potential for adverse impact, ~~or~~ have a significantly different type of environmental impact, or impact resources at new locations.

(3) Applications for major modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C. each of the

~~processing fees set forth in Chapters 62-4, 62-343, 18-21.009(1)(g), 18-21.010(1)(i), 18-21.008(1)(a)8, and 62B-41, Florida Administrative Code, as applicable.~~

(4) Minor modifications are design changes that are not expected to either increase the potential for adverse impact or have a significantly different environmental impact than the authorized activity. Applications for minor modifications shall be accompanied by the calculated application fee, according to Rule 62B-49.006, F.A.C. Florida Administrative Code. A request for minor modifications shall not be considered a new application.

(5) Permit modifications shall include additional specific conditions or revisions to existing conditions that are necessary to provide reasonable assurance that the modified project will meet applicable rules and statutes.

~~(6)(5) The Department shall, f~~For good cause and after notice to potentially affected parties and an administrative hearing pursuant to Section 120.569, F.S., if requested, ~~the Department shall~~ require the permittee to conform to new or additional conditions. An application from the permittee to modify the permit is not required for the Department to initiate such action. Upon a showing by the permittee that a specific period of time is required to comply with the new or additional conditions, the Department shall allow the permittee such time to conform to the new or additional conditions. For the purpose of this rule, good cause shall include any of the following:

(a) A showing of any change in the environment or surrounding conditions that would result in a violation of water quality standards pursuant to Rule 62-302.530, ~~F.A.C. Florida Administrative Code~~, or would result in a significant adverse impact to the coastal system as defined in Rule 62B-41.002(6), ~~F.A.C. Florida Administrative Code~~;

(b) A record of non-compliance with Department permits by the permittee, the authorized agent or the contractor for discharges into wetlands or other surface waters, a showing that the activity would result in a violation of the water quality standards under the amendment of or the enactment of any new law concerning activities seaward of the coastal construction control line, in sovereign submerged lands, or wetlands or other surface waters;

(c) Adoption or revision of Florida Statutes ~~or, and implementing Department rules/ or standards that necessitate which require the modification of a permit condition to bring the permit into for compliance with the statute, rule or standard;~~

(d) ~~To correct~~ Errors or omissions in the permit with the consent of the permittee;

(e) ~~To correct a permit as a result of the S~~ubmittal of incorrect, inaccurate, or incomplete information in the application; ~~or~~

(f) ~~If T~~he activity or structure has become a danger to the public health or safety; ~~;~~

(g) Issuance of a revised Biological Opinion by the U.S. Fish & Wildlife Service or the National Marine Fisheries Service; or

(h) A change in the classification of the waterbody.

(7) Issuance of the modification shall require notice to potentially affected parties. If an administrative hearing is held, the hearing may result in further modification of the permit or a denial of the modification request.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History–New 10-12-95, Amended 2-19-98,_____.

62B-49.009 Emergency Permitting Procedures.

Specific Authority 161.055, 373.427 FS. Law Implemented 120.569, 161.041, 161.055, 373.427 FS. History–New 10-12-95, Amended 2-19-98, Repealed_____.

62B-49.010 Transfer of Permits and Authorizations.

(1) A permit and proprietary authorization, ~~if required~~, are issued to a specified applicant and are not valid for any other person unless formally transferred. A permittee must make application to the Bureau of Beaches and Coastal Systems for a transfer of the permit and sovereignty submerged lands authorization upon the transfer of ownership or control of the real property or ~~the upon~~ sale or legal transfer of a permitted facility to a new party. Payment of a fee as set forth in Rule 62B-49.006, ~~F.A.C. Florida Administrative Code~~, shall be required. Until such transfer takes place the original permittee remains responsible for the terms and conditions of the permit and the authorization, if applicable. An application for transfer shall include a signed written request for the transfer by the transferor. The application shall also include a signed written request for the transfer by the transferee, which includes the name, address and phone number of the transferee along with proof of ownership or authorization to use the property, and a signed certificate by the transferee acknowledging acceptance of responsibility as provided in this Chapter. A permit and an authorization, ~~if required~~, shall not be transferred after expiration.

(2) through (4) No change.

Specific Authority 161.041, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History–New 10-12-95, Amended 2-19-98,_____.

62B-49.011 Time Limits on Permits and Authorizations.

(1) Permits shall expire five years from the date of issuance unless a shorter period of time is requested by the applicant, the time period is limited by law or rule, or the permit authorizes an operation and maintenance phase pursuant to Section 373.416, ~~F.S. Florida Statutes and Rules Chapters 62-312, 62-330 and 62-343, F.A.C Florida Administrative Code~~. If requested by an applicant, the Department shall issue a permit and an authorization, ~~if~~

applicable, for a longer term reasonably expected to be necessary for completion of the construction upon reasonable assurance that:

(a) through (b) No change.

(2) Permits and authorizations for maintenance of inlets ~~that have an adopted inlet management plan~~ in accordance with Section 161.142, F.S., that have an adopted inlet management plan and permits and authorizations for beach nourishment that maintain a previously authorized beach restoration template and that are consistent with the statewide strategic beach management plan pursuant to Chapter 62B-41.006, Florida Administrative Code, and Chapter 161.161, F.S. Florida Statutes, may be issued for periods up to ten (10) twenty-five (25) years.

~~(3) Permits and authorizations issued for longer than five (5) years may be renewed at intervals not to exceed five (5) years, as specified in the permit or authorization. Applications for renewal shall be assessed a processing fee and shall be subject to the requirements of this Chapter. Application for renewal shall not require information already provided to the Department to be submitted again unless site conditions existing at the time the permit was issued have changed. The applicant shall submit information to demonstrate that site or other conditions have not changed such that the permitted activity would no longer meet the permitting requirements of this Chapter.~~

(3)(4) Permits and authorizations shall be effective until the activity is certified complete or until expiration, whichever is earlier, unless suspended, revoked or surrendered according to Section 120.60, F.S. Florida Statutes, and Rule 62B-49.012, F.A.C. Florida Administrative Code. Sovereignty submerged lands aAuthorizations shall expire upon expiration of the permit unless otherwise noted in the authorization.

(4)(5) Once a permit or and, if required, an authorization has have expired, all construction activity authorized must cease unless a new permit and authorization, if necessary, is are approved.

(5)(6) The permittee or authorized agent may apply for a minor permit modification to extend request an extension of the expiration date of the permit by filing a written application request with the Bureau before the permit expiresation date and paying any fees required in Rule Chapter 62B-49.006, F.A.C. Florida Administrative Code. An application request will not be considered filed until the application request is received by the Bureau. A new joint coastal permit is required to continue maintenance of a project beyond ten (10) years.

(6)(7) In order to be eligible for a time extension the permittee must provide reasonable assurance that:

(a) Sufficient justification as to why the authorized construction could not be completed within the allotted period;

(b)(a) Reasonable assurance that ~~t~~The activity can be completed within the time extension requested (based on a schedule for completion included with the request); and

(c)(b) Reasonable assurance that nNo significant change in shoreline conditions, including biological habitat, has occurred since the original permit was issued.

(7)(8) Prior to issuing a modification for a time extension, the Department shall determine that the proposed activity is consistent with the statutes and rules in effect at the time the Department takes final agency action on the requested modification for extension. The Department shall deny an application request for a time extension modification if shoreline, habitat or other conditions have changed so that the project is no longer permissible under this chapter.

(8)(9) If the application for a permit modification to extend the permit expiration date an extension request is received prior to permit expiration, then the permit is still valid until the Department acts upon the extension request.

(9)(10) When the Department takes final agency action on the application for a permit modification to extend the permit expiration date a time extension request, the staff will notify by mail the applicant, affected local government and all persons who requested in writing notification pursuant to Section 373.413(3), F.S. Florida Statutes, and subsection 62B-49.005(7) Chapter 62-343, F.A.C. Florida Administrative Code.

(10)(11) The expiration date of time limit on a permit shall not be extended if application is made after expiration of the permit. No changes in the nature of the work will be considered in requests for time extensions.

(11)(12) No change.

(12)(13) The permittee shall comply with aAll special conditions of the permit, such as financial assurance or monitoring requirements shall be complied with as specified in the permit, including those that extend past the expiration date of the permit.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98,_____.

62B-49.012 Suspension and Revocation.

(1) The following shall be grounds for suspension or revocation of a permit A permit shall be suspended or revoked if:

(a) No change.

(b) Section 161.041, Chapter 253 or Part IV of Chapter 373, F.S. Florida Statutes, or Rules Chapters 18-18, 18-20, 18-21 62B-41, 62-302, 62-312, 62-330, 62-343, 62-4 or 62B-41 62-4, F.A.C. Florida Administrative Code, as applicable, have been violated.

(2) A permit shall be summarily suspended, revoked or modified by the Department if shoreline conditions change such that the activity could result in a significant adverse impact as defined in Rule 62B-41.002, F.A.C. Florida Administrative Code, or violation of state water quality standards pursuant to Rule Chapter 62-302, F.A.C. Florida

~~Administrative Code~~, or if the activity is determined to be inconsistent with Section Chapter 370.12, F.S. Florida Statutes, to cause or have caused conditions which endanger the public health, safety or welfare, or to render the previously authorized activity inconsistent with Sections Chapters 161.041, 161.055, Chapter 253, and Part IV of Chapter 373, F.S. Florida Statutes, Rules Chapters 18-18, 18-20 and 18-21, 62-312, 62-330, 62-343, 62-4, or 62B-41 F.A.C. Florida Administrative Code, and this chapter.

(3) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History--New 10-12-95, Amended 2-19-98,_____.

62B-49.013 General ~~and Limiting~~ Conditions.

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

(c) This permit does not eliminate the necessity to obtain any other applicable licenses or permits ~~that which~~ may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project ~~that which~~ are not addressed in this permit.

(d) through (h) No change.

(i) At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

(j) If ~~historic~~ or archaeological artifacts, such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the permittee shall immediately stop all activities in the immediate area that disturb the soil in the immediate locale and notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems (JCP Compliance Officer). In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.02, F.S.

(k) Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been

performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two paper copies and one electronic copy of as-built drawings submitted to the Bureau of Beaches and Coastal Systems (JCP Compliance Office) ~~Department~~.

(2) The Department shall require additional permit conditions based on site specific circumstances to insure compliance with the provisions of this chapter. Any such additional conditions will be specified in the Intent to Issue or draft permit.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History--New 2-19-98, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan Bedwell, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.001
RULE TITLE: Probable Cause Determinations
PURPOSE AND EFFECT: The proposed rule amendments are intended to address a physician assistant member of the probable cause panel.

SUMMARY: The proposed rule amendment clarifies that a physician assistant shall serve on the probable cause panel to review cases which involve physician assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 120.53, 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4), 458.331(10) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.001 Probable Cause Determinations.

(1) through (2) No change.

(3) In instances when the probable cause panel is considering cases involving a physician assistant, the panel shall also have a physician assistant participating on the probable cause panel. The physician assistant is only permitted to hear cases involving discipline of physician assistants. If the physician assistant is not able to attend the meeting of the probable cause panel, the panel may consider the case and vote on the matter in the absence of the physician assistant.

(4)(3) No change.

(5)(4) No change.

Specific Authority 120.53, 456.073(4) FS. Law Implemented 456.073(4), 458.331(10) FS. History--New 12-5-79, Amended 11-26-80, 5-27-81, Formerly 21M-18.06, Amended 12-4-86, 7-4-88, 1-1-92, Formerly 21M-18.006, 61F6-18.006, 59R-1.006, Amended 3-29-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-2.001 Definitions

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a definition for the term "record" with regard to the implementation of Section 456.50(2), Florida Statutes.

SUMMARY: The proposed rule amendment defines the term "record" with regard to the implementation of Section 456.50(2), 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 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: 458.309, 458.315(1), 458.317(1)(c), 456.50(2), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-2.001 Definitions.

(1) through (11) No change.

(12) The term "record" as it appears in Section 456.50(2), F.S., shall include a certified copy of the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 456.50(2), 458.319(1), 766.314(4), FS. Law Implemented 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4), FS. History--New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, 10-2-01, 11-10-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:

64B8-8.001 Disciplinary Guidelines

64B8-8.019 Submission of Malpractice Record

PURPOSE AND EFFECT: The proposed rule amendment to Rule 64B8-8.001, F.A.C., is intended to set forth a penalty for failing to submit the medical malpractice record as pursuant to Section 456.50(2), F.S. The proposed new Rule 64B8-8.019, F.A.C., is intended to set forth the criteria for submission of the medical malpractice record.

SUMMARY: The proposed amendment to Rule 64B8-8.001, F.A.C., sets forth the penalties for failing to submit the medical malpractice record pursuant to Section 456.50(2), F.S. The proposed new Rule 64B8-8.019, F.A.C., sets forth the criteria for the submission of the medical malpractice record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY	
(a) through (w) No change.	FIRST OFFENSE	SECOND OFFENSE
(x)1. through 2. No change. 3. Failure to comply with any provision of Rule 64B8-8.019, F.A.C.	<u>From a \$1,000.00 fine, letter of concern, demonstration of compliance with the rule or denial to a \$5,000.00 fine, a reprimand, completion of a laws and rules course, a term of probation, demonstration of compliance with the rule or denial.</u>	<u>From a \$7,500.00 fine, a reprimand, a term of probation, completion of a laws and rules course, demonstration of compliance with the rule or denial to a \$10,000.00 fine and revocation.</u>

(y) through (tt) No change.
(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5), FS. History–New 12-5-79, Formerly 21M-20.01, Amended 111-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, _____.

64B8-8.019 Submission of Malpractice Record.

(1) All physicians licensed pursuant to Chapter 458, F.S., shall provide to the Board of Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, entered against the licensee in any jurisdiction on or after November 2, 2004, within 60 days of entry of the final judgment or order. The record shall be sent to the Board of Medicine, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399-3253.

(2) The record shall include a certified copy of the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those

matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

(3) The record shall be provided to the Board in a read only CD ROM disc in portable document format (.pdf) or tagged image file format (.tif).

Specific Authority 456.50(2) FS. Law Implemented 456.50(2) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0075
RULE TITLE: Standards of Practice in Certain Office Settings

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the authority for those who practice in clinics registered under Chapter 400, Part XIII, F.S.

SUMMARY: The proposed rule amendment clarifies authority for those who practice in clinics registered under Chapter 400, Part XIII, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 456.0375, 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.0375, 458.331(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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0075 Standards of Practice in Certain Office Settings.

(1) through (2) No change.

(3) Licensed physicians and physician assistants in a clinic registered under Chapter 400, Part XIII, F.S. Section 456.0375, F.S., may reasonably rely upon a Florida licensed medical director to ensure compliance with the responsibilities set forth ~~out~~ in Section 400.991, F.S., subsection (2); only if the medical director has specifically agreed to accept the responsibilities set forth in Section 456.0375(3)(b), F.S.

Specific Authority 456.0375, 458.309, 458.331(1)(v) FS. Law Implemented 456.0375, 458.331(1) FS. History—New 11-13-00, Amended 6-4-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-40
RULE CHAPTER TITLE: Uniform Fire Safety Standards for Assisted Living Facilities

RULE NOS.: 69A-40.024, 69A-40.027, 69A-40.037
RULE TITLES: Scope, Definitions, Intergenerational Respite Care Assisted Living Facility

PURPOSE AND EFFECT: To adopt standards for assisted living facilities which are also intergenerational respite care facilities as established by Section 400.4071, Florida Statutes.

SUMMARY: Intergenerational Respite Care Assisted Living Facilities provide temporary respite for caregivers of minors and adults with disabilities and elderly persons with special needs. The rules provide that the living area of any minor will be on the ground floor; the personal living space of any minor will be served by separate exits from those serving other intergenerational respite care residents, and any exit designed to serve both minors and adults in any common area must be 1.5 times the minimum required egress width.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 400.441, 400.4071, 633.01, 633.022 FS.

LAW IMPLEMENTED: 400.441, 400.4071, 633.022 FS.

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

DATE AND TIME: Monday, October 30, 2006, 9:00 a.m.

PLACE: Atrium Third Floor Conference Room, 325 John Knox Road, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshall, 200 East Gaines Street, Tallahassee, Florida 32399-0342, Phone (850)413-3171; FAX (850)922-2553

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-40.024 Scope.

(1) These rules apply to any institution, building, or buildings, residence, private home, boarding home, home for the aged, or any other place, whether operated for profit or not, which is an assisted living facility under the definitions of Chapter 400, F.S., and of Chapter 58A-5, F.A.C., and include the intergenerational respite care assisted living facility created pursuant to Section 400.4071, F.S. These rules do not apply to transient rentals, as defined in Section 212.03, F.S.

(2) No change.

Specific Authority 400.441, 400.4071, 633.01, 633.022 FS. Law Implemented 400.441, 400.4071, 633.022 FS. History—New 11-29-89, Formerly 4A-40.024, Amended 1-7-97,_____.

69A-40.027 Definitions.

(1) through (5) No change.

(6) “Intergenerational Respite Care Assisted Living Facility” means a facility licensed pursuant to a 5 year pilot program established by the Agency for Health Care Administration to provide temporary personal, respite and custodial care to minors and adults with disabilities and elderly persons with special needs who do not require 24-hour nursing services, and that provides respite care services for minors and adults with disabilities and elderly persons with special needs for a period of at least 24 hours but not more than 14 consecutive days, in which minors and adults reside in distinct and separate living units, with a maximum of 48 beds located in Miami-Dade County, and is operated as a not-for-profit entity.

~~(7)(6)~~ “NFPA” is the abbreviation for the National Fire Protection Association.

~~(8)(7)~~ “Owner” shall refer to the person, partnership, association, or corporation that owns the assisted living facilities enterprise, whether licensed or not. In the event a facility is operated by a person that leases the physical plant which is owned by another person, “owner” means the person that operates the facility. When the person that owns the physical plant is an affiliate of the person that operates the facility and has significant control over the day-to-day operation for the facility, he is considered an owner of the facility.

~~(9)(8)~~ “Point of Safety” shall be as defined in Chapter 22 and 23, NFPA 101, Life Safety Code, incorporated by reference in subsection 69A-40.028(1), F.A.C.

~~(10)(9)(a)~~ “Satisfactory Firesafety Inspection” shall mean there are no uncorrected firesafety deficiencies in the facility associated with fire alarm systems, installed fire sprinkler systems, or means of egress/escape components. For purposes of this definition, firesafety deficiencies associated with maintenance items, such as “an exit light burned out” or “an electrical wall outlet cover plate missing”, would not be considered as items for an unsatisfactory firesafety inspection.

(b) Facilities shall be granted a period of time to correct firesafety deficiencies that are determined by the firesafety authority having jurisdiction citing the deficiencies. The time periods granted shall be based on the risk to life and property created by the violation and the ease of correction. Those existing facilities that are required to install fire sprinkler systems shall be granted the time frames specified in Section 400.441(1)(a)2.i., F.S.

(c) During these time frames, the lack of a required fire sprinkler system shall not be grounds for denial of a “Satisfactory Firesafety Inspection.”

Specific Authority 400.441, 400.4071, 633.01, 633.022 FS. Law Implemented 400.441, 400.4071, 633.022 FS. History—New 11-29-89, Formerly 4A-40.027, Amended 1-7-97,_____.

69A-40.037 Intergenerational Respite Care Assisted Living Facility.

(1) The living area for any minor, including the available means of egress, shall be on the level of exit discharge.

(2) Each living area or portion of living area for personal use, comprised of bathrooms, bathing areas, and sleeping areas serving minors, shall be served by exits separate from those serving other intergenerational respite care residents.

(3) Any exit designed to serve both minors and adults in any area other than the living area or portion of the living area for personal use referred to in subsection (2), such as living rooms and dining areas, shall be increased in size to 1.5 times the minimum required egress width.

Specific Authority 400.441, 400.4071, 633.01, 633.022 FS. Law Implemented 400.441, 400.071, 633.022 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshall, 200 East Gaines Street, Tallahassee, Florida 32399-0342, Phone (850)413-3171; FAX (850)922-2553

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:
69B-211.320

RULE TITLE:
Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with a recent amendment to Section 626.221(1), F.S.

SUMMARY: The amendment adds Professional Property Insurance Adjuster and Certified Claims Adjuster to the designations for which curriculum standards are specified by 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 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: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Tuesday, September 19, 2006, 9:30 a.m.

PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Hazel Muhammad, (850)413-5460 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), Professional Property Insurance Adjuster (PPIA) or Certified Claims Adjuster (CCA), the requirement is at least 40 course hours:
 - (a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-186.013 **RULE TITLE:** Title Insurance Statistical Gathering

PURPOSE AND EFFECT: Section 627.782(8), F.S., provides that the Commission may, by rule, require title insurance licensees to annually submit statistical information so the Office can analyze premium rates, retention rates and the condition of the title insurance industry.

SUMMARY: This rule specifies the data that must be provided to the Office and sets out the procedure to be used in their collection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 627.782 FS.

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

DATE AND TIME: October 31, 2006, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lawrence Steinert, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lawrence.steinert@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lawrence Steinert, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lawrence.steinert@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.013 Title Insurance Statistical Gathering.

(1) By June 1 of each year after 2006, licensed title insurance agencies and title insurers must electronically submit statistical data to the Office. The submittal shall be accomplished by electronically completing OIR Forms OIR-B1-1682, Agent Cover Letter (07/26/06); OIR-B1-1683, Agent Data Call (07/26/06); OIR-B1-1684, Insurer Cover Letter (07/26/06); and OIR-B1-1685, Insurer Data Call (07/26/06); as applicable to the title agency or title insurer, as adopted and incorporated by this reference. Forms OIR-B1-1682, Agent Cover Letter (07/26/06), and OIR-B1-1683, Agent Data Call (07/26/06), are to be completed by title agencies. Forms OIR-B1-1684, Insurer Cover Letter (07/26/06), and OIR-B1-1685, Insurer Data Call (07/26/06), are to be completed by title insurers. The submittal shall reflect data for the prior year ending December 31. Pursuant to Section 627.782, Florida Statutes, the statistical data is collected for the purposes of analyzing premium rates, retention rates, and the condition of the title insurance industry, or an entity chosen by the Office as frequently as required by the Office, not to exceed once annually.

(2) OIR Forms OIR-B1-1682, Agent Cover Letter (07/26/06) and OIR-B1-1684, Insurer Cover Letter (07/26/06) shall be submitted electronically in Microsoft Word compatible format. OIR Forms OIR-B1-1683, Agent Data Call (07/26/06) and OIR-B1-1685, Insurer Data Call (07/26/06) shall be submitted electronically in Microsoft Excel compatible format. All submittals shall be to <https://iportal.fldfs.com>, the industry portal to the Office's I-File System, as an "informational filing." A filing shall be considered received by the Office on business days between the hours of 8:00 a.m., and 5:00 p.m., Eastern Time. Filings received after 5:00 p.m., shall be considered to be received the next business day. The data shall include:

(a) Income, loss and expense information to analyze risk premium and charges for related title services;

(b) Retention rates and the condition of the title insurance industry;

(c) Data regarding production of title evidence;

(d) Premium income from agency/agents, and

(e) Premium income from insurer direct operations.

(3) The Commission will, among other relevant factors, use the data submitted to the Office pursuant to this rule in adopting rules specifying:

(a) The premium to be charged in this state by title insurers for the respective types of title insurance contracts.

(b) For policies issued through agents or agencies, the percentage of such premium required to be retained by the title insurer, and

(c) Any limitations on related title services charges.

Hence, title insurers may wish to ensure that title agencies with whom they do business make accurate, timely and complete data submittals pursuant to this rule.

(4) Pursuant to Section 815.045, Florida Statutes, "trade secret information," as defined in Section 812.081, Florida Statutes, and as provided for in Section 814.043, Florida Statutes, is confidential and exempt from the public records law. However, a claim that some portion of the information to be submitted to the Office pursuant to this rule is trade secret information shall not be a ground for any failure to submit the information required by this rule. Failure to submit information as required by this rule shall be a violation of the Insurance Code and shall subject the licensed title insurance agency or licensed title insurer to sanctions. If a public records request is made to the Office and if the Office determines that a response would make available information which the submitter has indicated is "trade secret information," the Office will notify the agency or insurer to determine if the information should still be protected as trade secret information. The agency or insurer should be prepared to take formal measures to protect any information which the agency or insurer maintains should be protected as trade secret information. For every information submittal pursuant to this rule, any claim of trade secret information must take the following form:

(a) Each document claimed to contain trade secret information shall be submitted to the I-File System, and the submitting agency or insurer shall check the trade secrets indicator flag appearing in I-File;

(b) Every portion of a document claimed to contain trade secret information shall be clearly marked on each page claimed to contain trade secret information, and each such page shall be clearly marked to specify the portion of the text claimed to contain trade secret information; and

(c) For every submittal for which a claim is made that such submittal contains trade secret information, the submitter shall additionally include a separate document titled "Trade Secret Summary" which must identify each document and each page of a document claimed to contain trade secret information and for each claim of trade secret information must specify the detailed factual basis on which each such claim is made.

Specific Authority 624.308, 624.424(1)(c), 627.782(8) FS. Law Implemented 624.307(1), 624.311, 627.7711, 627.782, 812.081, 815.045 FS. History—New 2-13-95, Formerly 4-186.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lawrence Steinert, Actuary, Property and Casualty Product Review, Office of Insurance Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 5B-62.004 Manuals, 5B-62.017 Tree Registration Certificate, and 5B-62.027 Exemptions.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 25, June 23, 2006, issue of the Florida Administrative Weekly.

5B-62.004 Manuals.

The regulations, definitions, and standards in Citrus Nursery Stock Certification Manual, Revised 9/08/06 4/01/06, Citrus Budwood Testing Manual, Revised 4/01/06, and C. N. Roistacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, FL. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, FL 32608-1201.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

5B-62.017 Tree Registration Certificate.

(5) Cancellation. Source Tree Registration Certificates (DACS-08072) will be suspended upon will be canceled or suspended upon:

(7) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) suspended as provided above may be reinstated when: canceled or suspended as provided above may be reinstated when:

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

5B-62.027 Exemptions.

(2) The Department will propagate and maintain pathogen-infected material for the purpose of testing or shoot-tip grafting. The Department must approve the propagation or maintenance of pathogen-infected material for the purpose of testing or shoot tip grafting. Such material will be kept in enclosed structures on department owned sites. Such material must be kept in enclosed structures that have been approved by the Department.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New _____.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 6D-14.002 Transportation Policies and Procedures.

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 38, September 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 33-203.101 Canteen Operations.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 33, (August 18, 2006), issue of the Florida Administrative Weekly:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 of canteen merchandise on a weekly basis; unless an increase up to \$100.00 is approved by the Secretary for special occasions.

(3) through (8) No change.