

~~incorporated by reference.~~ Such reports shall be due no later than April 22, July 22, October 22, and January 22, respectively, of each year. If any due date falls on a weekend or holiday, a quarterly report is timely filed if it is ~~postmarked or~~ electronically transmitted no later than the next business day. ~~An administrative late fee of \$100.00 per day shall be levied against a credit union pursuant to Section 655.045(2)(b), F.S., for reports not timely filed unless the administrative fine is waived by OFR for good cause, such as incidental and isolated clerical errors or omissions.~~

Specific Authority 655.012(2) FS. Law Implemented 655.045(2) FS. History–New 10-31-81, Formerly 3C-30.31, 3C-30.031, Amended 10-8-95, 3-20-02, Formerly 3C-110.045, Amended.

69U-110.050 Currency Reporting Compliance Requirements.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.50, 657.021(7) FS. History–New 2-24-88, Formerly 3C-30.041, Amended 10-8-95, Formerly 3C-110.050, Repealed.

69U-110.062 Capitalization Criteria for Conservatorship or Involuntary Liquidation Actions.

The office may take action to have a credit union placed into a conservatorship or involuntary liquidation upon finding that, among other reasons, the credit union is significantly undercapitalized or undercapitalized, and has no reasonable prospect of becoming adequately capitalized. The criteria for such determination of capitalization shall be as defined in the net worth categories contained in s. 216, the Federal Credit Union Act, codified at 12 U.S.C. 1790d(c), and the regulations promulgated thereunder in 12 C.F.R. Part 702 (2006), which are incorporated by reference.

Specific Authority 655.012, 657.062, 657.063 FS. Law Implemented 657.062, 657.063 FS. History–New

69U-110.063 Credit Unions Liquidation Certificate and Maintenance of Records.

- (1) No change.
- (2) ~~OFR itself shall be authorized to receive and maintain the books and records of a credit union upon dissolution or it shall be authorized to~~ appoint as custodian the National Credit Union Administration to keep and maintain the books and records of such dissolved credit union.
- (3) No change.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.057, 657.062, 657.063, 657.064 FS. History–New 11-7-84, Formerly 3C-30.39, Amended 1-25-87, Formerly 3C-30.039, Amended 10-8-95, Formerly 3C-110.063, Amended.

69U-110.065 Merger.

In conjunction with the requirements of Section 657.065, F.S., if the proposed surviving credit union is state chartered, it shall submit a nonrefundable application fee of \$500 to OFR, along with an Application for Approval of Merger on Form

OFR-U-64, (revised 3/2003), which is hereby incorporated by reference. If the proposed surviving credit union is federally chartered, the credit union shall submit a copy of the federal merger application to OFR. The Credit union shall notify OFR, NCUA and other regulatory agencies, as applicable, upon consummation of the merger.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.065 FS. History–New 7-25-66, Renumbered from 3-5.12 to 3D-10.23 on 7-18-75, Amended 10-21-75, Formerly 3D-10.23, Amended 10-13-81, Formerly 3C-30.23, 3C-30.023, Amended 10-8-95, Formerly 3C-110.065, Amended.

69U-110.068 Central Credit Unions.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.068(2)(d), (e) FS. History–New 10-13-81, Formerly 3C-30.36, 3C-30.036, Amended 10-8-95, Formerly 3C-110.068, Repealed.

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-57	Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings
RULE NO.:	RULE TITLE:
14-57.012	Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure

PURPOSE AND EFFECT: The rule is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SUMMARY: Rule subsection 14-57.012(2), F.A.C., is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.141 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-57.012 Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure.

(1) No change.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department’s position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-highway grade crossings to offset opening a new crossing.

~~6.5~~ Design of the grade crossing and road approaches.

~~7.6~~ Presence of multiple tracks and their effect upon railroad and highway operations.

(b) through (4) No change.

Specific Authority 334.044(2) FS. Law Implemented 335.141 FS. History--New 3-20-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Bordelon, Rail Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2006

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

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 CITRUS

RULE CHAPTER NO.: 20-7
 RULE CHAPTER TITLE: Dues Collection on Behalf of Certain Not-For-Profit Corporations

RULE NOS.:
 20-7.001 Purpose
 20-7.002 Request Procedure and Conditions
 20-7.003 Commission Consideration of Properly Submitted Requests
 20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities
 20-7.005 Fees

PURPOSE AND EFFECT: New rule implementing Section 601.992, F.S., collecting dues on behalf of certain not-for-profit corporations.

SUMMARY: Implementation of Section 601.992, F.S.

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

SPECIFIC AUTHORITY: 601.992 FS.

LAW IMPLEMENTED: 601.992 FS.

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

DATE AND TIME: October 25, 2006, 10:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-7.001 Purpose.

Florida Statute 601.992, as amended by Chapter Laws 2006-289 and signed by the governor on June 22, 2006, authorizes the Department to compel the entities regulated by the department to collect dues, contributions, or any other financial payments on behalf of certain specified not-for-profit corporations which are involved in citrus market news and citrus grower education. The purpose of this Rule is to establish:

(1) The guidelines and conditions upon which a specified not-for-profit corporation may request the Department to implement a mechanism to require licensed citrus fruit dealers to collect such dues, contributions or other financial payments;

(2) A procedure for the remittance of such collected funds to a specified not-for-profit corporation; and

(3) A fee system to ensure that the Department recoups from any such not-for-profit corporation any direct costs incurred by the Department in implementing the dues collection contemplated hereunder.

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History—New _____.

20-7.002 Request Procedure and Conditions.

(1) Any not-for-profit corporation meeting the requirements of Section 601.992, F.S., may request the Department to require licensed citrus fruit dealers to collect and remit dues, contributions, or other financial payments on behalf of that corporation pursuant to this Rule. Such request shall be initiated by the requesting corporation submitting a written request, which request shall be sworn under oath and signed before a notary public by the president of the corporation, and shall contain affirmations and, where applicable, proof or descriptions, as to each of the following:

(a) The requesting corporation is an active, not-for-profit corporation organized in, and whose principal office is located in, the State of Florida and which corporation is registered with the Florida Department of State, Division of Corporations;

(b) The specific dues structure of the requesting corporation, including, but not limited to, a detailed statement of how dues, contributions, or other financial payments are calculated and assessed to members of the corporation, and which such dues, contributions, or other financial payments are requested to be collected under this Rule;

(c) The specific mechanism for how licensed citrus fruit dealers are to collect and remit such dues, contributions, or other financial payments; Such submission shall also include a detailed description of the mechanism for the requesting corporation to process any refund requests from its members or licensed citrus fruit dealers. Such submission shall also include a draft of a proposed resolution, as outlined in subsection 20-7.003(2), F.A.C.

(d) The specific reporting format requested of the licensed citrus fruit dealers and the specific mechanism for how adjustments by the corporation in such dues, contributions, or other financial payments are to be calculated, and how such adjustments shall be communicated to licensed citrus fruit dealers for collection, adjustment;

(e) A statement affirming that the requesting corporation is engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers;

(f) A statement affirming that the requesting corporation has at least 5,000 members who are engaged in growing citrus in Florida for commercial sale;

(g) A statement acknowledging that all activities undertaken by the Department pursuant to this Rule, including, but not limited to, all submissions to the Department, are subject to Florida's Public Records and Government in the Sunshine Laws, as may be amended from time to time;

(h) A statement acknowledging that, if the corporation's request is granted by the Department, then the corporation agrees to execute a contract, the duration of which shall not exceed five years, including a continuing indemnity agreement, in the form attached to this Rule as Appendix A.

(i) A statement acknowledging that the Department is in no way an agent, for any purposes, of the requesting corporation, and in no way endorses the activities of the corporation;

(j) A statement acknowledging that, annually, the corporation shall pay to the Department a reasonable fee calculated by the Department to reimburse the Department for any and all direct costs (as defined in Rule 20-7.005, F.A.C.) attributable to such corporation's dues collection as implemented by this Rule.

(2) Any such request must be accompanied by a non-refundable processing fee made payable to the Department in the amount to be determined pursuant to Rule 20-7.005, F.A.C., which fee is intended to pay for the direct administrative costs incurred by the Department associated with processing the requesting corporation's application.

Specific Authority 601.992 FS. Law Implemented 601.992 FS. History--New _____.

20-7.003 Commission Consideration of Properly Submitted Requests.

(1) Upon the Department's receipt of any request pursuant to this Rule, the Department shall determine whether any such request meets the requirements of this Rule. Any request meeting this Rule's requirements shall be considered a properly submitted request and such request shall be placed as an agenda item for consideration by the Florida Citrus Commission at a regularly scheduled Commission meeting occurring no sooner than 15 days, but no later than 90 days, after the Department's receipt of any properly submitted request. In deciding upon any such properly submitted request, the Commission may consider the following factors:

(a) The logistics and impacts of requiring licensed citrus fruit dealers to collect and remit the requested dues, contributions or other financial payments;

(b) Whether approval of the properly submitted request advances the purposes of The Florida Citrus Code, as may be amended from time to time;

(c) Public comments; and

(d) Recommendations by Department staff.

(2) If the Commission, by majority vote, approves the properly submitted request, then such approval shall be manifested in the form of a Commission Resolution. The Resolution shall contain sufficient information, logistical and otherwise, to allow licensed citrus fruit dealers to collect dues, contributions, or any other financial payments on behalf of the corporation identified in the Resolution, and to remit those collected funds to said corporation.

(3) After passage of the Resolution, the Department shall cause a contract, the duration of which shall be not greater than five years, but which shall be terminable by the Department without cause upon providing the requesting corporation 60 days written notice, and a continuing indemnity agreement in the form attached to this Rule as Appendix A, to be presented to the requesting corporation identified in the Resolution. Each such contract shall include a requirement that the requesting corporation pay to the Department a fee equal to, but not exceeding, the amount necessary to ensure that any direct costs incurred by the Department in administering the contract are paid by the requesting corporation as calculated pursuant to Rule 20-7.005, F.A.C. Each such contract shall also include provisions to ensure that the requesting corporation continues to meet the requirements outlined in Section 601.992, F.S., and

this Rule, throughout the term of said contract. If the requesting corporation and the Department have not mutually agreed to a contract and indemnification agreement, for submission to the Commission for approval, within 63 days of the date of the Commission Resolution, then the Resolution shall be of no force and effect, except that the Department's Executive Director or Secretary of the Commission may expand this 63-day time limit if, in their sound discretion, more time is needed to effectuate a contract consistent with the Resolution.

Specific Authority 601.992 FS. Law Implemented 601.992 FS. History--New _____.

20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities.

(1) Upon the execution of a Commission-approved contract as contemplated by this Rule, the Department shall cause a copy of the Resolution to be sent to each licensed citrus fruit dealer licensed by the Department. Pursuant to the terms of the Resolution, each licensed citrus fruit dealer shall collect the dues, contributions, or any other financial payments on behalf of the corporation named in the Resolution.

(2) Licensed citrus fruit dealers found by the Department to be in non-compliance with any Resolution duly-promulgated hereunder may be subject to disciplinary action of the Florida Department of Agriculture and Consumer Services, including, but not limited to, fines, license suspension or revocation as prescribed in Sections 601.67 and 601.68, F.S.

Specific Authority 601.992 FS. Law Implemented 601.992 FS. History--New _____.

20-7.005 Fees.

(1) Within 60 days of the effective date of this Rule, and prior to August 1 of each year thereafter, the Department shall calculate the direct costs incurred by the Department for (i) processing request(s) for dues collection, and (ii) contract administration.

(2) For the purposes of calculating such fees, the term "direct costs" shall mean any actual costs incurred by the Department, including, but not limited to, the pro-rated value of any portion of any and all employees' gross salary and benefits for any such employees' time spent on administration of the services contemplated hereunder and any fees, expenses or costs which the Department may pay to any licensed citrus fruit dealer for the dues collection and remittance contemplated herein. Such "direct costs" shall also include any portion of other Department expenses and/or overhead which may be reasonably allocated to the services contemplated hereunder.

(3) In no event shall the Department's calculation of fees hereunder result in the Department subsidizing any requesting corporation, nor shall any such calculation result in the

Department levying a fee in gross excess of those direct costs incurred by the Department in administering the services contemplated hereunder.

(4) The processing request fee established annually hereunder shall govern all processing requests for dues collection filed in the subsequent fee year (August 1 – July 31).

(5) The annual contract administration fee established hereunder shall be due as established by contract provision.

Specific Authority 601.992 FS. Law Implemented 601.992 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

FLORIDA PAROLE COMMISSION

RULE NO.: 23-15.012
RULE TITLE: Noticing of Proceedings and Proposed Rules

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth procedures for requesting that the Florida Department of Corrections post notice of Parole Commission rule workshops, rule development, rule challenges and rule repeals on inmate bulletin boards and otherwise in all correctional institutions.

SUMMARY: The proposed rule provides procedures for requesting that the Florida Department of Corrections post notice of Parole Commission rule workshops, rule development, rule challenges and rule repeals on inmate bulletin boards and otherwise in all correctional institutions.

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

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

SPECIFIC AUTHORITY: 120.54(3)(a) FS.

LAW IMPLEMENTED: 120.54(3)(a) 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: Bradley R. Bischoff, Assistant General Counsel, Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULE IS:

23-15.012 Notice of Proceedings and Proposed Rules.

Notice of adoption, amendment or repeal of a commission rule shall be by publication in the Florida Administrative Weekly. Further, the Florida Parole Commission shall ask the rules administrator for the Department of Corrections to post by memorandum notices of rule workshops, rule development, rulemaking, rule changes and rule repeals on the inmate bulletin boards of all correctional institutions throughout the state and circulate a copy of the notice among the inmates in all disciplinary, administrative or close management confinement areas of all facilities. The commission will also request that a complete copy of the proposed rules be made available in each institutional library.

Specific Authority 120.54(3)(a) FS. Law Implemented 120.54(3)(a) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Schwartz, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Monica David, Commissioner/Chairman, Tena M. Pate, Commissioner/Vice-Chairman, Federick B. Dunphy, Commissioner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

**LAND AND WATER ADJUDICATORY COMMISSION
Tomoka Community Development District**

RULE CHAPTER NO.: 42LL-1
RULE CHAPTER TITLE: Tomoka Community Development District

RULE NO.: 42LL-1.002
RULE TITLE: Boundary

PURPOSE, EFFECT AND SUMMARY: The Petition, as amended during the public hearing held on February 22, 2006, before Judge J. Lawrence Johnston, was filed by the Tomoka Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 1,122 acres. (The District was originally established by Rule 42LL-1, F.A.C., effective October 10, 2003. Petitioner discovered flaws in the legal description of the external boundaries of the District contained in Rule Chapter 42LL-1.002, F.A.C., resulting in the exclusion of significant portions of the lands thought to be included in the original Petition establishing the District. The subject boundary amendment will correct the flaws.) The District currently covers approximately 846 acres of land located in Flagler County in an area west of Interstate 95, northeast of U.S. Highway 1, south of Old Dixie Highway, and bounded on the

east by the Florida Power and Light utility easement. After amendment, the District will encompass approximately 1,968 acres. The District currently contains two out-parcels located within the external boundaries of the District which remain excluded. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the lands comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners. Development contemplated for the Tomoka CDD, after expansion, consists of 1,586 single family homes, 330 multi-family homes, 18 holes of championship golf, and recreation areas. Services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan and consist of stormwater infrastructure, entrances and landscaping, wetland compliance/mitigation, offsite improvements, and engineering and permitting. The District has already funded, acquired, and/or constructed infrastructure improvements to the expansion parcel. Construction of the improvements is expected to be complete in 2006.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "9" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the State of Florida and Flagler County. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be modest, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no effect on state and local revenues from the proposed amendment of the rule. The SERC indicates the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. The SERC further provides the decision to locate within the District is completely voluntary. The SERC concludes that the expansion of the District's boundary will have no impact or a positive impact on small businesses. As to impact on small counties, Flagler County is not a "small" county as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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, A HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, October 3, 2006, 10:00 a.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42LL-1.002 Boundary.

The boundaries of the district are as follows:

A portion of sections 3, 4, 5, 8, 9, 10, 15, 16, 21, and 22, Township 13 south, range 31 east, Flagler County, Florida, and a portion of Bunnell Development Company Subdivision, as recorded in plat book 1, page 1, of the Public Records of Flagler County, Florida, more particularly described as follows: ~~and a portion of sections 14, 22 and 23, Township 13 south, range 31 east, Volusia County, Florida, described as follows:~~

From a Point of Beginning being the southwest corner of Section 3, Township 13 South, Range 31 East; thence, proceeding North 01 degrees, 46 minutes, 36 seconds West along the west line of said Section 3, a distance of 986.85 feet; thence, departing said westerly line of Section 3, North 89 degrees, 27 minutes, 53 seconds East, a distance of 150.00 feet; thence, North 01 degrees, 46 minutes, 33 seconds West a distance of 1287.05 feet to the southerly right-of-way line of Old Dixie Highway, a 66 foot wide right-of-way; thence North 89 degrees, 28 minutes, 05 seconds East, along said southerly right-of-way line, a distance of 1181.54 feet; thence departing said right-of-way line, run South 01 degrees, 48 minutes, 15 seconds East along the east line of Lot 4, Block C, Section 3, of said Bunnell Development Company subdivision, a distance of 1287.00 feet; thence, North 89 degrees, 28 minutes, 22 seconds East a distance of 110.00 feet to a point on the easterly line of the 236 foot wide Florida Power and Light Company easement recorded in O.R. Book 11, Page 493 and O.R. Book 34, Page 124 of the Public Records of Flagler County, Florida; thence South 01 degrees, 48 minutes, 15 seconds East, along the easterly line of said Florida Power and Light easement, a distance of 1182.92 feet; thence, continuing along said easterly line of said Florida Power and Light easement, South 50 degrees, 26 minutes, 59 seconds East a distance of 3340.24 feet; thence, South 01 degrees, 56 minutes, 33 seconds East a distance of 5789.89 feet more or less to a point on the northerly

line of Eagle Rock Ranch Subdivision, as recorded in Plat Book 26, Pages 51-52 of the Public Records of Flagler County, Florida; thence, departing said easterly line of the Florida Power and Light Easement, South 40 degrees, 11 minutes, 55 seconds West, along said northerly line of Eagle Rock Ranch, a distance of 856.60 feet; thence continuing along said northerly line of Eagle Rock Ranch South 88 degrees, 27 minutes, 37 seconds West a distance of 45.18 feet; thence, South 40 degrees, 11 minutes, 55 seconds West a distance of 2189.93 feet; thence, South 49 degrees, 47 minutes, 54 seconds East a distance of 1171.20 feet; thence, South 40 degrees, 14 minutes, 04 seconds West a distance of 2222.60 feet to a point on the easterly line of U.S. Highway 1, a 160 foot wide right-of-way; thence departing said northerly line of Eagle Rock Ranch subdivision, proceed northerly along said U.S. Highway 1 right-of-way North 49 degrees, 47 minutes, 21 seconds West a distance of 637.20 feet to the start of a curve concave northeasterly having a radius of 5619.59 feet; thence, run along the arc of said curve, through a central angle of 8 degrees, 42 minutes, 33 seconds a distance of 854.17 feet; thence, North 48 degrees, 55 minutes, 11 seconds East a distance of 35.00 feet to the start of a curve concave northeasterly having a radius of 5584.59 feet; thence, run along the arc of said curve, through a central angle of 1 degree, 40 minutes, 40 seconds a distance of 163.53 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 276.47 feet; thence South 50 degrees, 35 minutes, 51 seconds West a distance of 35.00 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 7995.87 feet to a point on the north line of Section 16, Township 13 South, Range 31 East; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 662.80 feet; thence, North 01 degrees, 58 minutes, 26 seconds West a distance of 1981.25 feet; thence, South 89 degrees, 12 minutes, 14 seconds West a distance of 1396.16 feet; thence, North 07 degrees, 21 minutes, 09.5 seconds West a distance of 442.07 feet; thence, South 72 degrees, 34 minutes, 37 seconds West a distance of 267.61 feet; thence, North 17 degrees, 23 minutes, 09 seconds West a distance of 311.39 feet; thence, North 89 degrees, 14 minutes, 31 seconds East a distance of 310.90 feet; thence, North 17 degrees, 18 minutes, 16 seconds West a distance of 690.36 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 235.10 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 280.00 feet; thence, North 01 degrees, 07 minutes, 55 seconds

West a distance of 425.00 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 152.45 feet; thence, North 01 degrees, 02 minutes, 20 seconds West a distance of 2338.83 feet; thence, North 89 degrees, 18 minutes, 57 seconds East a distance of 1328.19 feet; thence, North 89 degrees, 33 minutes, 19 seconds East a distance of 668.21 feet; thence, South 02 degrees, 54 minutes, 51 seconds East a distance of 660.00 feet; thence, South 89 degrees, 33 minutes, 49 seconds West a distance of 666.05 feet; thence, South 03 degrees, 06 minutes, 06 seconds East a distance of 1680.93 feet to the northwest corner of Section 9, Township 13 South, Range 31 East; thence, along the north line of said Section 9, North 89 degrees, 09 minutes, 34 seconds East a distance of 1320.73 feet; thence, departing said northerly line of said Section 9, North 02 degrees, 43 minutes, 34 seconds West a distance of 1011.14 feet; thence, North 89 degrees, 33 minutes, 56 seconds East a distance of 2657.49 feet; thence, South 02 degrees, 04 minutes, 00 seconds East a distance of 994.19 feet; thence, North 89 degrees, 15 minutes, 13 seconds East a distance of 1324.71 feet to the Point of Beginning.

Less and Except the Plantation Bay School Site recorded in Plat Book 29, Page 49 of the Public Records of Flagler County, Florida and excepting the following Park Site:

A portion of Sections 9 and 16, Township 13 South, Range 31 East, Flagler County, Florida, commencing as a point of reference being the northeast corner of said Section 16, run South 89 degrees 11 minutes, 58 seconds West along the north line of said section 16, a distance of 4981.16 feet more or less to the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, South 39 degrees 24 minutes, 09 seconds East, along said right-of-way, a distance of 1525.00 feet; to the point of curvature of a curve concave northerly, having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.27 feet; thence, North 50 degrees 35 minutes, 51 seconds East a distance of 353.91 feet to the point of curvature of a curve concave southeasterly, having a radius of 425.24 feet and a central angle of 37 degrees 57 minutes 36 seconds and a chord bearing of North 69 degrees 34 minutes 39 seconds East; thence run easterly along the arc of said curve a distance of 281.73 feet to the point of reverse curve of a curve concave northerly, having a radius of 390.67 feet and a central angle of 54 degrees 14 minutes 32 seconds and a chord bearing of North 61 degrees 26 minutes 12 seconds East; thence run easterly along the arc of said curve a distance of 369.85 feet to the point of compound curve of a curve concave northerly, having a radius of 2818.85 feet and a central angle of 02 degrees 04 minutes 29 seconds and a chord bearing of North 33 degrees 16 minutes 41 seconds East; thence run easterly along the arc of said curve a distance of 102.08 feet; thence, South 59 degrees 28 minutes, 19 seconds East a distance of 120.05 feet to the point of curvature of a curve concave northwesterly, having a radius of 2938.85 feet and a central angle of 08 degrees 19

minutes 23 seconds; thence run northeasterly along the arc of said curve a distance of 426.91 feet; thence, North 23 degrees 50 minutes 51 seconds East a distance of 125.00 feet to the point of beginning; thence, continue North 23 degrees 50 minutes 51 seconds East a distance of 350.00 feet; thence, South 76 degrees 52 minutes, 06 seconds East a distance of 679.42 feet; thence, South 48 degrees 20 minutes 31 seconds East a distance of 1737.34 feet; thence, South 04 degrees 12 minutes 29 seconds East a distance of 450.94 feet; thence, North 60 degrees 12 minutes 29 seconds West a distance of 698.75 feet; thence, North 79 degrees 12 minutes 29 seconds West a distance of 393.78 feet; thence, North 31 degrees 58 minutes 16 seconds West a distance of 463.90 feet; thence, North 64 degrees 20 minutes, 47 seconds West a distance of 474.24 feet; thence, North 48 degrees 09 minutes, 28 seconds West a distance of 628.10 feet to the point of beginning.

From the southwest corner of said section 3, run north 01 degree 46 minutes 36 seconds west along the west line of said section 3 a distance of 451.12 feet to the point of beginning; thence continue north 01 degree 46 minutes 36 seconds west along said line a distance of 535.72 feet; thence departing said line, run north 87 degrees 27 minutes 53 seconds east a distance of 150.00 feet; thence north 01 degree 46 minutes 33 seconds west a distance of 1287.05 feet to the southerly right of way line of Old Dixie Highway, a 66 foot right of way; thence north 89 degrees 28 minutes 05 seconds east along said right of way line a distance of 1181.54 feet; thence departing said right of way line, run south 01 degree 48 minutes 15 seconds east along the east line of lot 4, block C, section 3, said Bunnell Development Company subdivision a distance of 1287.00 feet; thence north 89 degrees 28 minutes 22 seconds east along the north line of lot 10, block C, section 3, said Bunnell Development Company subdivision a distance of 110.00 feet; thence departing said line, run south 01 degree 48 minutes 15 seconds east along the easterly line of a 110 foot Florida Power & Light Company easement as recorded in deed book 116, page 128, of the Public Records of Flagler County, Florida, and the boundary of Plantation Bay phase I A, as recorded in plat book 29, pages 40-48, of the Public Records of Flagler County, Florida, a distance of 782.92 feet; thence departing said line, run south 89 degrees 35 minutes 22 seconds west a distance of 236.07 feet; thence north 01 degree 48 minutes 15 seconds west a distance of 399.99 feet; thence south 82 degrees 12 minutes 14 seconds west a distance of 1212.70 feet to the point of beginning.

Together with the following:-

From the southwest corner of said section 3, as the point of beginning, run south 02 degrees 08 minutes 04 seconds east along the east line of said section 9 a distance of 473.67 feet; thence departing said line, run south 62 degrees 28 minutes 42 seconds west a distance of 334.23 feet to a point on the arc of a curve, concave westerly, having a radius of 1380.00 feet, central angle of 40 degrees 46 minutes 36 seconds, and a chord

bearing of south 06 degrees 49 minutes 43 seconds west; thence run southerly along the arc of said curve a distance of 982.13 feet; thence south 27 degrees 13 minutes 01 second west a distance of 704.67 feet to the p.e. of a curve, concave easterly, having a radius of 571.65 feet and a central angle of 34 degrees 23 minutes 14 seconds; thence run southerly along the arc of said curve a distance of 343.09 feet to the p.e. of a curve, concave northwest, having a radius of 658.75 feet and a central angle of 32 degrees 59 minutes 14 seconds; thence run southerly along the arc of said curve a distance of 379.27 feet; thence south 25 degrees 49 minutes 00 seconds west a distance of 502.83 feet to the p.e. of a curve, concave southeast, having a radius of 670.00 feet and a central angle of 39 degrees 19 minutes 27 seconds; thence run southerly along the arc of said curve a distance of 459.84 feet; thence south 13 degrees 30 minutes 26 seconds east a distance of 180.63 feet to the p.e. of a curve, concave northeast, having a radius of 25.00 feet and a central angle of 88 degrees 29 minutes 15 seconds; thence run easterly along the arc of said curve a distance of 38.61 feet to the p.e. of a curve, concave southwest, having a radius of 2058.75 feet, central angle of 33 degrees 31 minutes 32 seconds, and a chord bearing of south 85 degrees 13 minutes 55 seconds east; thence run easterly along the arc of said curve a distance of 1204.64 feet; thence south 02 degrees 08 minutes 04 seconds east along the east line of said section 9 a distance of 1175.28 feet to the southeast corner thereof; thence south 02 degrees 02 minutes 03 seconds east along the east line of said section 16 a distance of 3104.20 feet; thence departing said line, run north 87 degrees 57 minutes 57 seconds east a distance of 860.71 feet to a point to be referenced as point "A"; thence south 13 degrees 56 minutes 20 seconds west a distance of 973.88 feet to the p.e. of a curve, concave easterly, having a radius of 2550.00 feet and a central angle of 31 degrees 08 minutes 05 seconds; thence run southerly along the arc of said curve a distance of 1385.68 feet; thence south 17 degrees 11 minutes 45 seconds east a distance of 731.09 feet to the p.e. of a curve, concave northwest, having a radius of 625.00 feet and a central angle of 61 degrees 22 minutes 11 seconds; thence run westerly along the arc of said curve a distance of 669.44 feet; thence south 44 degrees 10 minutes 26 seconds west a distance of 234.53 feet to the p.e. of a curve, concave northerly, having a radius of 25.00 feet, central angle of 90 degrees 16 minutes 05 seconds, and a chord bearing of south 89 degrees 33 minutes 29 seconds west; thence run northerly along the arc of said curve a distance of 39.61 feet to the p.e. of a curve, concave northeast, having a radius of 5619.59 feet, central angle of 03 degrees 58 minutes 40 seconds, and a chord bearing of north 43 degrees 04 minutes 09 seconds west; said point being on the easterly right of way line of U.S. Highway No. 1, a 160 foot right of way; thence northerly along said right of way line and the arc of said curve a distance of 390.13 feet; thence north 48 degrees 55 minutes 11 seconds east a distance of 35.00 feet to a point on the arc of a curve, concave northeast, having a radius of 5584.59 feet, central angle of 1

degree 40 minutes 40 seconds, a chord bearing of north 40 degrees 14 minutes 29 seconds west; thence run northerly along the arc of said curve a distance of 163.53 feet; thence north 39 degrees 24 minutes 09 seconds west a distance of 276.47 feet; thence south 50 degrees 35 minutes 51 seconds west a distance of 35.00 feet; thence north 39 degrees 24 minutes 09 seconds west a distance of 7995.87 feet; thence departing said right-of-way line, run north 89 degrees 11 minutes 58 seconds east along the south line of lots 8 and 9, block C, section 9, said Bunnell Development Company subdivision, a distance of 999.49 feet; thence north 02 degrees 00 minutes 32.5 seconds west along the east line of lot 9, block C, said section 9 a distance of 1320.83 feet; thence north 89 degrees 12 minutes 05 seconds east along the north line of lots 10 and 12, block C, said section 9 a distance of 1325.60 feet; thence north 02 degrees 04 minutes 45 seconds west along the west line of lots 5 and 6, block D, said section 9 a distance of 1320.83 feet; thence south 89 degrees 12 minutes 11 seconds west along the south line of lots 10 and 11, block B, said section 9 a distance of 1323.99 feet; thence south 02 degrees 00 minutes 32.5 seconds east along the east line of lot 4, block C, said section 9 a distance of 1320.83 feet; thence south 89 degrees 12 minutes 05 seconds west along the south line of lot 4, block C, said section 9 a distance of 662.80 feet; thence north 01 degree 58 minutes 26 seconds west along the west line of lot 4, block C, and lot 9, block D, said section 9 a distance of 19381.25 feet; thence south 89 degrees 12 minutes 14 seconds west along the south line of lot 7, block B, said section 9, and the south line of lot 12, block A, said section 8 and the westerly extension thereof, a distance of 1396.16 feet; thence north 07 degrees 21 minutes 09.5 seconds west a distance of 442.07 feet; thence south 72 degrees 34 minutes 37 seconds west a distance of 267.61 feet to the easterly right-of-way line of said U.S. Highway No. 1; thence north 17 degrees 23 minutes 09 seconds west along said right-of-way line a distance of 311.39 feet; thence departing said line, run north 89 degrees 14 minutes 31 seconds east along the north line of lot 12, block A, said section 8, and the westerly extension thereof a distance of 310.90 feet; thence north 17 degrees 18 minutes 16 seconds west a distance of 690.36 feet; thence north 01 degree 07 minutes 55 seconds west a distance of 235.10 feet; thence south 89 degrees 19 minutes 05 seconds west a distance of 280.00 feet; thence north 01 degree 07 minutes 55 seconds west a distance of 425.00 feet to the north line of said section 8; thence south 89 degrees 19 minutes 05 seconds west along said north line a distance of 152.45 feet; thence north 01 degree 02 minutes 20 seconds west along the west line of lots 3 and 10, block D, said section 5, a distance of 2338.83 feet; thence north 89 degrees 18 minutes 57 seconds east along the north line of lots 2 and 3, block D, said section 5 a distance of 1328.19 feet; thence north 89 degrees 33 minutes 19 seconds east along the north line of lot 5, block C, said section 4 a distance of 668.21 feet; thence south 02 degrees 54 minutes 51 seconds east along the east line of lot 5, block C, said section 4

a distance of 660.00 feet; thence south 89 degrees 33 minutes 49 seconds west along the south line of lot 5, block C, said section 4 a distance of 666.05 feet; thence south 03 degrees 06 minutes 06 seconds east along the east line of lots 1, 11 and 12, block D, said section 5, being the east line of said section 5, a distance of 1680.93 feet; thence north 89 degrees 09 minutes 34 seconds east along the north line of lots 4 and 5, block B, said section 9, being the north line of said section 9, a distance of 1320.73 feet; thence north 02 degrees 43 minutes 34 seconds west along the west line of lot 10, block C, said section 4, a distance of 1011.14 feet; thence north 89 degrees 33 minutes 56 seconds east along the north line of lots 10 and 12, block C, and lots 7 and 9, block D, said section 4 a distance of 2657.49 feet; thence south 02 degrees 04 minutes 00 seconds east along the east line of lot 9, block D, said section 4 a distance of 994.19 feet; thence north 89 degrees 15 minutes 13 seconds east along the north line of lots 2 and 3, block A, said section 9, being the north line of said section 9, a distance of 1324.71 feet to the point of beginning.

Together with the following:

From previously referenced point "A", run south 84 degrees 30 minutes 42 seconds east a distance of 101.10 feet to the point of beginning; thence north 87 degrees 57 minutes 57 seconds east a distance of 2815.27 feet to a point on the boundary of Eagle Rock Ranch subdivision, as recorded in map book 26, pages 51 and 52, of the Public Records of Flagler County, Florida; thence south 40 degrees 11 minutes 55 seconds west along said boundary a distance of 640.75 feet; thence south 88 degrees 27 minutes 37 seconds west along said boundary a distance of 45.18 feet; thence south 40 degrees 11 minutes 55 seconds west along said boundary a distance of 2189.93 feet; thence south 49 degrees 47 minutes 54 seconds east along said boundary a distance of 1171.20 feet; thence south 40 degrees 14 minutes 04 seconds west along said boundary a distance of 2222.60 feet to the easterly right-of-way line of U.S. Highway No. 1; thence along said right-of-way line, run north 49 degrees 47 minutes 21 seconds west a distance of 637.20 feet to the p.e. of a curve, concave northeast, having a radius of 5619.59 feet and a central angle of 3 degrees 11 minutes 42 seconds; thence run northerly along the arc of said curve a distance of 373.37 feet to the p.e.e. of a curve, concave southeast, having a radius of 25.00 feet and a central angle of 90 degrees 46 minutes 05 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.61 feet; thence north 44 degrees 10 minutes 26 seconds east a distance of 234.53 feet to the p.e. of a curve, concave northwest, having a radius of 725.00 feet and a central angle of 61 degrees 22 minutes 11 seconds; thence run northerly along the arc of said curve a distance of 776.55 feet; thence north 17 degrees 11 minutes 45 seconds west a distance of 731.09 feet to the p.e. of a curve, concave southeast, having a radius of 2450.00 feet and a central angle of 31 degrees 08 minutes 05 seconds; thence run northerly along the arc of said

curve a distance of 1331.34 feet; thence north 13 degrees 56 minutes 20 seconds east a distance of 163.86 feet to the point of beginning.

Together with the following:

From the southeast corner of said section 22, run south 89 degrees 26 minutes 56 seconds west along the south line of said section 22 a distance of 757.21 feet to the easterly right-of-way line of U.S. Highway No. 1, a 160 foot right-of-way, thence north 49 degrees 48 minutes 44 seconds west along said right-of-way line a distance of 509.05 feet to the point of beginning; thence continue along said right-of-way line north 49 degrees 46 minutes 07 seconds west a distance of 100.10 feet; thence departing said right-of-way line, run north 42 degrees 47 minutes 46 seconds east, parallel with the southerly line of Eagle Rock Ranch subdivision, as recorded in map book 26, pages 51 and 52 of the Public Records of Flagler County, Florida, a distance of 2222.97 feet; thence north 49 degrees 46 minutes 12 seconds west a distance of 428.53 feet; thence north 40 degrees 11 minutes 55 seconds east a distance of 5473.32 feet to the westerly right-of-way line of Interstate No. 95, a 300 foot right-of-way; thence south 20 degrees 43 minutes 11 seconds east along said right-of-way line a distance of 5003.89 feet to the east line of said section 23; thence south 01 degree 50 minutes 39 seconds east along said east line a distance of 1773.40 feet to the southeast corner of said section 23; thence south 89 degrees 46 minutes 01 second west along the south line of said section 23 a distance of 2661.49 feet; thence departing said line, run north 49 degrees 46 minutes 12 seconds west a distance of 3006.16 feet; thence south 42 degrees 47 minutes 46 seconds west a distance of 2222.97 feet to the point of beginning.

Excepting there from the plat of Plantation Bay School site, as recorded in plat book 29, page 49 of the Public Records of Flagler County, Florida.

And excepting the following:

A portion of section 9 and 16, Township 13 south, range 31 east, Flagler County, Florida, described as follows: from the northeast corner of said section 16, run south 89 degrees 11 minutes 50 seconds west along the north line of said section 16, a distance of 4981.16 feet to the east right-of-way line of U.S. 1, a 160 foot right-of-way; thence south 39 degrees 24 minutes 09 seconds east, along said right-of-way line a distance of 1525.00 feet to and the p.e. of a curve, concave northerly, having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.27 feet; thence north 50 degrees 35 minutes 51 seconds east a distance of 353.91 feet to the p.e. of a curve, concave southeast, having a radius of 425.24 feet, central angle of 37 degrees 57 minutes 36 seconds, and a chord bearing of north 69 degrees 34 minutes 39 seconds east; thence run easterly along the arc of said curve a distance of 281.73 feet to the P.R.C. of a curve, concave northerly, having a radius of

390.67 feet and a central angle of 54 degrees 14 minutes 32 seconds; thence run easterly along the arc of said curve a distance of 369.83 feet to the P.C.C. of a curve, concave northerly, having a radius of 2818.85 feet, central angle of 2 degrees 04 minutes 29 seconds; and a chord bearing of north 33 degrees 16 minutes 41 seconds east; thence run easterly along the arc of said curve a distance of 102.00 feet; thence south 49 degrees 15 minutes 56 seconds east a distance of 142.40 feet to the P.C. of a curve, concave easterly, having a radius of 25.00 feet, central angle of 80 degrees 21 minutes 26 seconds, and a chord bearing of north 08 degrees 00 minutes 29 seconds west, thence run northerly along the arc of said curve a distance of 35.06 feet to the P.R.C. of a curve, concave northwest, having a radius of 2938.85 feet, central angle of 8 degrees 19 minutes 23 seconds, and a chord bearing of north 28 degrees 00 minutes 33 seconds east; thence run northerly along the arc of said curve a distance of 126.91 feet; thence north 23 degrees 50 minutes 51 seconds east a distance of 125.00 feet; to the point of beginning; thence continue north 23 degrees 50 minutes 51 seconds east a distance of 227.35 feet to the north line of said section 16; thence continue north 23 degrees 50 minutes 51 seconds east a distance of 123.65 feet; thence south 76 degrees 52 minutes 06 seconds was a distance of 462.98 feet to the north line of said section 16; thence continue south 76 degrees 52 minutes 06 seconds east a distance of 216.11 feet; thence south 48 degrees 20 minutes 31 seconds east a distance of 1737.34 feet; thence south 04 degrees 12 minutes 29 seconds east a distance of 450.94 feet; thence north 60 degrees 12 minutes 29 seconds west a distance of 698.75 feet; thence north 79 degrees 12 minutes 29 seconds west a distance of 393.78 feet; thence north 31 degrees 58 minutes 15 seconds west a distance of 463.90 feet; thence north 64 degrees 20 minutes 47 seconds west a distance of 474.24 feet; thence north 48 degrees 09 minutes 28 seconds west a distance of 628.10 feet to the point of beginning. Also less and except the property described in Official Records Book 561, page 358; Official Records Book 318, page 1002, 1007; Official Records Book 276, page 61; Official Records Book 595, page 196; and Official Records Book 600, page 52, all of the public records of Flagler County, Florida.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 4-21-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 30, 2006

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-1.002
RULE TITLE: Rural County Grants

PURPOSE AND EFFECT: The purpose of the rule is to make changes to the rule to remove unnecessary language, update current language, and clarify existing board practices. The effect of the rule will be to remove unnecessary language, update current language, and clarify existing board practices.

SUMMARY: The rule removes unnecessary language, updates current language, and clarifies existing board practices.

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: 365.172(6)(a)12., 365.173(2)(c) FS.
LAW IMPLEMENTED: 365.173(2)(c) 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: Winston E. Pierce, Executive Director, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60DD-1.002 Rural County Grants.

The Wireless 911 Rural County Grant program is an annual grant provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(o), F.S., with the installation and maintenance of an Enhanced 911 system.

(1) Eligibility. Any county with a population of fewer than 75,000 is eligible to apply. The county must be currently assessing the full \$0.50/month fee provided in Section ~~365.171(13)(a)1, 365.172(8)~~, F.S.

(2) General conditions.

(a) Each rural county applying for Rural County Grant funds shall complete and submit W Form 1A, "Application for the Wireless 911 Rural County Grant Program," effective ~~12/1/2006~~ ~~4/4/2004~~, which is incorporated herein by reference and which may be obtained from the Wireless 911 Board office at the following address:

State of Florida Wireless 911 Board
ATTN: Administrative Assistant
4050 Esplanade Way Building 4030 – Suite ~~125H~~ ~~335V~~
Tallahassee, Florida 32399-0950

The applicant county must submit the original grant application and seven copies postmarked or delivered to the Wireless 911 Board on or before March 1 of each year.

(b) No change.

(c) Applications for grants for each item over \$25,000 must be accompanied by at least three written competitive quotes. The Wireless 911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole-source funding must be provided with this application.

(d) Priorities for awarding of grants will be determined by the Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph (2)(a) above.

(e) through (g) No change.

(h) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All Wireless 911 Rural County Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the Wireless 911 Board.

(i) Grantee counties must submit quarterly reports to the Wireless 911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 ~~45~~ days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. A final report must be submitted to the Wireless 911 Board no more than 45 days after completion of the grant, detailing the activities, expenditures of the funds, and the ways in which the needs identified in the grant application were met. The final report must be accompanied by supporting documentation.

(j) through (k) No change.

~~(4) Applications must be postmarked by March 1 and must be mailed to the Board office.~~

(3) No change.

Specific Authority 365.172(6)(a)12., 365.173(2)(c) FS. Law Implemented 365.173(2)(c) FS. History–New 5-20-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wireless 911 Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wireless 911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-17.001
 RULE TITLE: Professional Fees and Penalties for Architects

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify an application fee to reinstate a void license.

SUMMARY: An application fee of \$500 to reinstate a void license will be added to the rule.

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

Any person who wishes to provide information regarding 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: 455.217(2), 455.2281, 481.207 FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 455.207, 455.271, 481.207, 481.209, 481.219 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-17.001 Professional Fees and Penalties for Architects.

(1) through (12) No change.

(13) The application fee to reinstate a void license is \$500.00.

Specific Authority 455.217(2), 455.2281, 481.207 FS. Law Implemented 455.217(2), 455.2281, 455.207, 455.271, 481.207, 481.209, 481.219 FS. History--New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99, 9-7-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NOS: 61G14-12.001
 RULE TITLES: Renewal of Licenses and Certificates

61G14-12.002 Definition of "Active Service"
 PURPOSE AND EFFECT: The Board promulgated Rule 61G14-12.0015, F.A.C., making these rules obsolete.

SUMMARY: With the creation of Rule 61G14-12.0015, F.A.C., these rules are obsolete.

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: 310.185 FS.

LAW IMPLEMENTED: 310.081(3), 310.121 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-12.001 Renewal of Licenses and Certificates.

~~(1) Licenses and Certificates must be renewed by January 31 of each odd numbered year to remain valid and authorize continuing service. Unless then under suspension or revocation, each license and certificate will be renewed provided the holder:~~

~~(a) provides documentary evidence that he remains in "active service" as defined in Rule 61G14-12.002, or in the case of a deputy, is available for and is being satisfactorily trained in accordance with the approved training plan; and~~

~~(b) pays the fees specified in Rule Chapter 61G14, F.A.C.; and~~

~~(c) submits documentary evidence that the holder continues to meet the requirements for good physical and mental health required by Section 310.081, F.S. and Rule Section 61G14-20.001, F.A.C.;~~

~~(d) presents a certificate of successful completion, issued within five years of the date of renewal, of a Board approved course in professional skills including certification in the proper and efficient use of radar.~~

~~(2) Licenses and certificates are considered to be valid while in transit to and from the Department and while undergoing processing for re-issuance.~~

Specific Authority 310.185 FS. Law Implemented 310.081(3), 310.121 FS. History–New 2-25-91, Formerly 21SS-6.006, 21SS-12.001, Amended 1-9-95, 6-11-95, 10-30-95, 3-17-96, 11-1-99, Repealed _____.

61G14-12.002 Definition of “Active Service.”

~~(1) The phrase “remain in active service” appearing in subsection 310.081(3), Florida Statutes, is understood to mean a pilot who has paid the current biennial renewal fee and who regularly takes a turn on duty. However, exceptions will be made from the “active service” requirement of subsection 310.081(3), Florida Statutes, for illness or injury not preventing performance as a pilot for more than twelve (12) consecutive months.~~

~~(2) At the time of applying for biennial renewal of his license, a pilot shall identify the number of vessels he has piloted during the prior biennial period.~~

Specific Authority 310.185 FS. Law Implemented 310.081(3) FS. History–New 4-2-86, Formerly 21SS-8.011, 21SS-12.002, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 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 JUVENILE JUSTICE

Probation and Community Corrections

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63D-1	Intake
RULE NOS.:	RULE TITLES:
63D-1.001	Purpose and Scope
63D-1.002	Definitions
63D-1.003	Preliminary Screening
63D-1.004	Comprehensive Assessment
63D-1.005	Documentation

PURPOSE AND EFFECT: The proposed rule describes the uniform procedures performed upon intake for the preliminary screening and comprehensive assessment of youth.

SUMMARY: The proposed rule describes the means by which youth who have been taken into custody receive preliminary screening for substance abuse and mental health problems, the standards and requirements governing further assessment and evaluations, and the documentation of results.

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

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.21 FS.

LAW IMPLEMENTED: 985.21 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 2, 2006, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Deputy Secretary, 2737 Centerview Drive, Ste. 312I, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE PROPOSED RULES IS:

63D-1.001 Purpose and Scope.

The rule establishes uniform procedures performed upon intake for conducting and documenting the preliminary screening and comprehensive assessment of children in order to assist the juvenile probation officer in providing the most appropriate services and recommendations in the least intrusive manner.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1), (4) FS. History–New _____.

63D-1.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Comprehensive Assessment – The gathering of information for the evaluation of a youth’s physical, psychological, educational, vocational, social condition and family environment as they relate to the youth’s need for rehabilitative and treatment services, including substance abuse treatment services, literacy services, medical services, family services, and other specialized services, as appropriate.

(2) Comprehensive Evaluation – The gathering of information addressing physical health, mental health, substance abuse, academic, educational, or vocational problems of a youth for whom a residential commitment disposition is anticipated, which is summarized in the youth’s predisposition report.

(3) Predisposition Report – A multidisciplinary assessment reporting the youth’s priority needs, recommendations as to a classification of risk for the youth in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the youth’s needs with the minimum program security that reasonably ensures public safety.

(4) Preliminary Screening – The gathering of preliminary information to be used to determine a youth’s need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews, urine and breathalyzer screenings, and reviews of available educational, delinquency, and dependency records of the youth.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1), (4) FS. History–New _____.

63D-1.003 Preliminary Screening.

(1) The juvenile probation officer (JPO) or contracted intake screener shall conduct a preliminary screening on all youth charged with a criminal or delinquent offense, using the Positive Achievement Change Tool (PACT), which is the department-approved screening instrument. The PACT uses a series of risk factors that may indicate the presence of a substance abuse or mental health problem. The PACT is completed while screening a youth for detention eligibility, or during the initial intake conference if the youth was detention screened after hours. The Positive Achievement Change Tool (PACT) (8-27-06) is incorporated, and is available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) The PACT screening instrument is in the Juvenile Justice Information System (JJIS) web-based forms package and is scored automatically to determine the need for further assessments. The screening instrument must be completed in the JJIS. All juvenile assessment centers shall have access to JJIS. If there is no access to JJIS at the time of the screening or intake conference, the PACT screening instrument may be completed and scored by hand. However, the screening instrument must be entered in JJIS within 24 hours after the screening.

(3) The JPO or contracted intake screener administering the PACT screening instrument shall use the score on the PACT screening instrument to determine whether a referral for further

assessment or immediate attention must be made. The screener must refer youths directly to the designated assessment provider(s) for the comprehensive assessment.

(4) If the youth is to be released to his or her parents, the parents must be informed of the results of the PACT screening instrument and must be given information as to the location of the provider, the appointment time if one could be made, and the importance of delivering the youth for the follow-up appointment to complete any subsequent mental health or substance abuse assessment or any assessment of suicide risk.

(a) When the Suicide Ideation scale of the PACT screening instrument indicates further assessment is needed, or other information obtained at intake/admission suggests potential suicide risk, the youth must be immediately referred for an assessment of suicide risk and a comprehensive assessment. The assessment of suicide risk must be conducted within 24 hours unless the youth becomes unavailable. The JPO shall explain to the parent or responsible family member the importance of the assessment and the need to complete the assessment within 24 hours.

(b) If the PACT screening instrument score or treatment history indicates the need for further mental health or substance abuse assessment, the youth must be referred for comprehensive assessment.

(5) The screen is predominantly a self-report tool, and youth sometimes supply inaccurate information about themselves or their situation. The person conducting the PACT screening should use their own observations and those of collateral sources such as parents, agency staff, law enforcement or other informed persons who have knowledge of the youth’s behavior and condition. The PACT screening might calculate that no follow-up referral for further assessment is needed. Personal observations or collateral contacts can indicate that the youth’s response is a denial of a problem area. In those cases, despite the PACT screening instrument findings, a referral for further assessment must be recommended and documented.

(6) For detained youth, the PACT screening instrument results must be forwarded to the detention center where the youth is detained. The JPO must ensure that the detention center is informed of any youth who are to be detained and who are identified by the screening instrument, or identified through special circumstances or collateral information, as in need of crisis intervention/treatment or referral for assessment of suicide risk. The JPO is responsible for ensuring that detention staff are informed of the need for a referral for comprehensive assessment for detained youths.

(7) In all cases in which the PACT screening instrument screens the youth as needing further assessment, a referral shall be made by the JPO or intake screener and a copy of the PACT screening instrument results will be sent to the designated assessment contracted agent within the circuit. The JPO must advise the youth and family of the requirement for further

assessment. The JPO must encourage the youth and family to cooperate with any further evaluations indicated by the PACT screening.

(8) If there is no indication of a substance abuse or mental health problem, the youth has no further involvement with the substance abuse and mental health screening process. The JPO must place the completed screening instrument results in the youth's file.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.c., (4)(a) FS. History—New _____.

63D-1.004 Comprehensive Assessment.

(1) A comprehensive assessment may be completed using either:

(a) The Substance Abuse and Mental Health (SAMH-2 and SAMH-3) process in which an instrument specifically created by the Department of Children and Families is administered to youth in the DJJ system who, as a result of the preliminary screening process, are identified as having risk factors that require further evaluation, or

(b) An equivalent department-approved instrument.

(c) SAMH-2 (DJJ/PP Form 36, June 2000) and SAMH-3 (DJJ/PP Form 37, June 2000) are incorporated and available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) If there is a need for comprehensive assessment and the youth is not detained, the JPO must contact the designated assessment provider directly or have the parents make the initial contact within two working days of the screening interview to schedule an appointment for the youth.

(3) The JPO must forward a copy of the completed PACT screening instrument results to the designated comprehensive assessment provider and place another copy in the youth's file.

(4) The JPO shall assist the youth and family in complying with follow-up evaluations by providing directions, copies of documents and referrals to support service providers, if necessary.

(5) Required comprehensive assessments shall be administered in timely fashion, as follows:

(a) The designated contracted agents who perform comprehensive assessments must conduct a comprehensive assessment or equivalent department-approved assessment on all youths referred as a result of intake screening. Providers who perform comprehensive assessments shall conduct an in-depth assessment of the youth gathering information from interviews with the youth and from collateral sources.

(b) The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument within ten (10) calendar days on youths in secure detention. The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument

within fourteen (14) calendar days on youths not in secure detention. Time frames for completion may be modified by order of the court.

(c) Anytime a provider takes longer than 14 days to complete a comprehensive assessment the chief probation officer and the Department of Children and Families District Program Administrator shall be informed and a plan developed to improve performance or change providers.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.d., (4)(a) FS. History—New _____.

63D-1.005 Documentation.

(1) After the comprehensive assessment or equivalent department-approved instrument is completed, the designated contracted agents who perform comprehensive assessments must complete the SAMH-2, which provides summary results and outlines recommendations for the disposition of the case, for all youths referred for comprehensive assessment or treatment.

(a) Options include recommendations regarding treatment in a substance abuse or mental health setting, further in-depth evaluation to determine appropriate treatment response, or termination of substance abuse/mental health involvement.

(b) In some rare situations, a youth's problems may appear to be complex or his/her symptoms so confusing that an additional evaluation may be required before an appropriate recommendation for treatment can be made. If the designated contracted agents who perform comprehensive assessments determine that such an evaluation is necessary, a referral for further in-depth evaluations must be made prior to making a specific treatment recommendation.

(2) The designated contracted agents who perform comprehensive assessments must forward the original comprehensive assessment or equivalent department-approved instrument and SAMH-2 form to the JPO.

(a) The designated comprehensive assessment provider must retain a copy of the comprehensive assessment or equivalent department-approved instrument and SAMH-2 form in the assessment provider client file. The JPO must keep the SAMH-2 form in the youth's file.

(b) When completing the Preliminary Disposition Report (PDR), the JPO must incorporate the findings of the comprehensive assessment recommendation and attach the comprehensive assessment summary to the PDR. The JPO must not attempt to summarize or interpret the comprehensive assessment summary or any subsequent evaluation in the PDR.

(c) All individuals involved in the comprehensive assessment process shall comply with the confidentiality requirements of Section 985.04, Florida Statutes.

(3) If a PDR is required and the results have not been received from the designated assessment provider within seven (7) working days of the date the PDR must be submitted, the JPO must contact the contracted agents and request a

comprehensive assessment or inquire as to why the results have not been received. If the youth and family have not been cooperative, the JPO must intervene and encourage them to cooperate.

(4) If the SAMH-2 form is not received after diligent efforts, the JPO must document that fact in the PDR, and all efforts made to obtain the results.

(a) The JPO must notify the chief probation officer, through his/her supervisor, who will report in writing the noncompliance of the designated assessment provider to the district Department of Children and Family Services Alcohol, Drug Abuse and Mental Health Program Office contract manager.

(b) The JPO must also document (chronologically) this information in the chronological section of the case file.

(5) When the comprehensive assessment is received, the JPO will forward the assessment to the detention center for youths held in secure detention.

(6) The JPO is responsible for ensuring that youths are referred for a predisposition comprehensive evaluation when residential commitment disposition is anticipated or recommended. The purpose of the comprehensive evaluation is to collect sufficient information about the youth's medical, academic, psychological, behavioral and sociological needs to ensure an effective match between these needs and the service capacity provided by the residential commitment program.

(7) The JPO is responsible for ensuring that comprehensive assessments are forwarded to the provider(s) contracted to provide comprehensive evaluations. This ensures that data and information provided through the comprehensive assessment is not needlessly duplicated, but is included in the comprehensive evaluation.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1), (4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee Ann Thomas, Operational Support Administrator,
Probation and Community Corrections, Department of
Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Darryl Olson, Assistant Secretary
for Probation and Community Corrections, Department of
Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the disciplinary guidelines with regard to the wrong site, wrong patient, or wrong procedure.

SUMMARY: The proposed rule amendments address a range of penalties, including penalties for a third offense of a violation of Section 456.072(1)(aa), 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(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 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 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:

64B8-8.001 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 deive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(a) through (pp) No change. (qq) Performing or attempting to perform health care services on the wrong patient, a wrong site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (456.072(1)(aa), F.S.)	(qq) From a <u>\$1,000.00</u> \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of fifty (50) hours of community service and a one (1) hour lecture on wrong-site surgery in the State of Florida to a <u>\$10,000.00 fine, a letter of concern, a minimum of (5) hours of risk management education, a minimum of fifty (50) hours of community service, undergo a risk management assessment, a one (1) hour lecture on wrong-site surgery, and suspension to be followed by a term of probation</u> revocation .	(qq) From a \$10,000.00 fine, a reprimand, <u>a minimum of fifty (50) hours of community service, undergo a risk management assessment,</u> and probation or denial to a <u>\$10,000.00 fine and</u> revocation.	(qq) From a <u>\$10,000.00 fine, a reprimand, a minimum of one hundred (100) hours of community service, undergo a competency evaluation, and suspension to be followed by a term of probation to a \$10,000.00 fine and revocation.</u>
(rr) through (tt) No change. (3) through (7) No change.			

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 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, 1-04-06, 8-13-06, 8-29-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0092
RULE TITLE: Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth revised criteria for approval of physician office accrediting organizations.

SUMMARY: The proposed rule amendments set forth accreditation surveyor qualifications and set forth quality assurance criteria for accrediting agencies.

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(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) Definitions.

(a) "Accredited" means full accreditation granted by a Board approved accrediting agency or organization. "Accredited" shall also mean provisional accreditation provided that the office is in substantial compliance with the accrediting agency or organization's standards; any deficiencies cited by the accrediting agency or organization do not affect the quality of patient care, and the deficiencies will be corrected within thirty days ~~six (6) months~~ of the date on which the office was granted provisional accreditation.

(b) through (c) No change.

(2) Application. An application for approval as an accrediting organization shall be filed with the Board office at 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, and shall include the following information and documents:

(a) through (c) No change.

(d) Deion of accreditation process, including composition and qualifications of accreditation surveyors; accreditation activities; criteria for determination of compliance; and deficiency follow-up activities. Accreditation surveyors shall meet the following qualifications:

1. The surveyor must be an ABMS board certified physician with two (2) years experience performing office surgery; or

2. A Florida Health Care Risk Manager licensed through AHCA with two (2) years experience serving as a risk manager in a surgical facility; or

3. An ABMS board certified anesthesiologist with two (2) years experience administering anesthesia in a surgical facility.

4. In addition to the above-outlined qualification, accreditation surveyors may not have any disciplined imposed on his or her license within the preceding seven (7) years, may not be in direct competition with the subject of the review or have any direct or indirect contractual relationship with the inspected facility or any of its physicians.

(e) No change.

(f) Copies of all adverse incident reports filed with the state by any of the applicants accredited offices pursuant to Section 458.331, F.S.

(g) No change.

(3) Standards. The standards adopted by an accrediting organization for surgical and anesthetic procedures performed in a physician office shall meet or exceed provisions of Chapters ~~456~~ ~~455~~ and 458, F.S., and rules promulgated thereunder. Standards shall require that all health care practitioners be licensed or certified to the extent required by law.

(4) Requirements. In order to be approved by the Board, an accrediting organization must demonstrate compliance ~~comply~~ with the following requirements:

(a) The accrediting agency must implement, administer and monitor ~~have~~ a mandatory quality assurance program approved by the Board of Medicine that meets the following minimum standards:

1. General Provisions. Each office surgery facility surgical center shall have an ongoing quality assurance program that objectively and systematically monitors and evaluates the quality and appropriateness of patient care, evaluates methods to improve patient care, identifies and corrects deficiencies within the facility, alerts the Medical Director to identify and resolve recurring problems, and provides for opportunities to improve the facility's performance and to enhance and improve the quality of care provided to the public.

a. Such a system shall be based on the mission and plans of the organization, the needs and expectations of the patients and staff, up-to-date sources of information, and the performance of the processes and their outcomes.

b. Each system for quality assurance, which shall include utilization review, must be defined in writing, approved by the accrediting agencies governing body, enforced, and shall include:

I. A written delineation of responsibilities for key staff;

II. A policy for all members of the organized medical staff, whereby staff members do not initially review their own cases for quality assessment and improvement program purposes;

III. A confidentiality policy that complies with all applicable federal and state confidentiality laws;

IV. Written, measurable criteria and norms;

V. A deion of the methods used for identifying problems;

VI. A deion of the methods used for assessing problems, determining priorities for investigation, and resolving problems;

VII. A deion of the methods for monitoring activities to assure that the desired results are achieved and sustained; and

VIII. Documentation of the activities and results of the program.

c. Each quality assurance program shall include a peer review systems that entails the following:

I. Peer review is performed at least every six months and includes reviews of both random cases and unanticipated adverse office incidents as defined in Section 458.351, F.S. and as set forth in sub-subparagraph (4)(a)1.d. of this rule;

II. If the peer review sources external to the facility are employed to evaluate delivery of medical care, the patient consent form is so written as to waive confidentiality of the medical records or in the alternative medical records reviewed by such external peer review sources must use confidential patient identifiers rather than patient names; and

III. Peer review must be conducted by a recognized peer review organization or a licensed medical doctor or osteopathic physician other than the operating surgeon.

d. Each quality assurance program shall include a system where all adverse incidents as defined in Section 458.351, F.S., are reviewed. In addition to those incidents set forth in Section 458.351, F.S., the following incidents shall also be reviewed:

I. Unplanned hospital admissions that occurred within seven (7) days from the date the patient left the facility;

II. Unscheduled return to the operating room for complication of a previous procedure;

III. Untoward result of procedure such as infection, bleeding, wound dehiscence or inadvertent injury to other body structure;

IV. Cardiac or respiratory problems during stay at facility or within 48 hours of discharge;

V. Allergic reaction of medication;

VI. Incorrect needle or sponge count;

VII. Patient or family complaint;

VIII. Equipment malfunction leading to injury or potential injury to patient.

e. Each quality assurance program shall include an adverse incident chart review program which shall following information, in addition to the operative procedure performed:

I. Identification of the problem;

II. Immediate treatment or disposition of the case;

III. Outcome;

IV. Analysis of reason for problem; and

V. Assessment of efficacy of treatment.

2. Each office surgery facility shall have in place a systematic process to collect data on process outcomes, priority issues chosen for improvement, and the satisfaction of the patient. Processes measured shall include:

a. Appropriate surgical procedures;

b. Preparation of patient for the procedure;

c. Performance of the procedure and monitoring of the patient;

d. Provision of post-operative care;

e. Use of medications including administration and monitoring of effects;

f. Risk management activities;

g. Quality assurance activities including at least clinical laboratory services and radiology services;

h. Results of autopsies if needed.

3. Each center shall have a process to assess data collected to determine:

a. The level and performance of existing activities and procedures;

b. Priorities for improvement, and

c. Actions to improve performance.

4. Each center shall have a process to incorporate quality assurance and improvement activities in existing office surgery facility processes and procedures.

(b) The accrediting agency must implement, administer and monitor have anesthesia-related accreditation standards and quality assurance processes that meet the following minimum standards and are reviewed and approved by the Board of Medicine:-

1. Each accredited facility must have an anesthesia provider who participates in an ongoing continuous quality improvement and risk management activities related to the administration of anesthesia in that facility.

2. Each facility must have a written quality improvement plan that specifies the individuals who are responsible for performing each element of the plan.

3. The written plan should be in place to continually assess, document and improve the outcome of the anesthesia care provided.

4. The plan must include a review of quality indicators, to include measures of patient satisfaction.

5. The plan must include an annual review and check of anesthesia equipment to ensure compliance with current safety standards and the standards for the release of waste anesthetic gases.

6. The quality assurance plan should include routine review of anesthesia and surgical morbidity and adverse, sentinel or outcome events which include but are not limited to the following:

a. Follow-up on post-op day 1 and day 14;

b. Cancellation rates and reasons;

c. Central nervous system or peripheral nervous system new deficit;

d. Need for reversal agents: narcotic, benzodiazepine;

e. Reintubation;

d. Unplanned transfusion;

e. Aspiration pneumonitis;

f. Pulmonary embolus;

g. Local anesthetic toxicity;

h. Anaphylaxis;

i. Possible Malignant Hyperthermia;

j. Infection;

k. Return to operating room;

l. Unplanned Post-procedural Treatment in physician's office or emergency department within 30 days after discharge;

m. Unplanned Admission to hospital or acute care facility within 30 days;

n. Cardiopulmonary Arrest or Death within 30 days;

o. Continuous Quality Indicators;

p. Cardiovascular complications in recovery requiring treatment (including: arrhythmias; hypotension, hypertension);

q. Respiratory complications in recovery requiring treatment (including asthma);

r. Nausea not controlled within 2 hrs in recovery;

s. Pain not controlled within 2 hrs in recovery;

t. Postoperative vomiting rate;

u. Prolonged PACU stay in excess of 2 hours;

v. Medication error;

w. Injuries, e.g. eye, teeth;

x. Time to return to light activities of daily living (ADL);

y. Common postoperative sequelae, eg sore throat, muscle pain, headache;

z. Post-dural puncture headache or transient radicular irritation;

aa. Discharge without escort or against medical advice (AMA);

bb. Patient satisfaction;

cc. Equipment maintenance.

7. Each facility quality improvement plan must require annual reviews conducted by, at a minimum, the medical director, a representative of the anesthesia provider currently providing patient care and a representative of the operating room or recovery nursing staff.

8. The accrediting agency must have at least one anesthesiologist that implements, administers, and monitors the quality assurance processes set forth above.

~~(e) The accrediting agency must have ongoing anesthesia-related accreditation and quality assurance processes involving the active participation of anesthesiologists.~~

~~(c)(d)~~ No change.

~~(d)(e)~~ No change.

~~(e)(f)~~ If the accrediting agency or organization finds indications at any time during accreditation activities that conditions in the physician office pose a potential threat immediate jeopardy to patients, the accrediting agency or organization will immediately report the situation to the Department.

~~(f)(g)~~ No change.

~~(g)(h)~~ No change.

(5) Accrediting Organizations shall be approved for a period time not to exceed three (3) years.

(6) If the Board discovers that an approved accrediting agency has violated or failed to comply with any provision of this rule, the Board shall issue an order to show cause outlining the alleged violation and requiring a representative from the accrediting agency to appear before the Board at its next regularly scheduled meeting to address the Board's concerns. After such an appearance, if the Board determines that a violation occurred, the accrediting agency's status as an office surgery accrediting agency shall be revoked. Failure to appear before the Board upon receipt of an order to show cause shall not preclude the Board from taking action against an accrediting agency.

~~(7)(5) Renewal of Approval of Accrediting Organizations. Every accrediting organization approved by the Board pursuant to this rule is required to renew such approval every 3 years. Each to submit to the Board a new complete written application submission shall be filed with the Board at least three months prior to the end of its term of approval third anniversary of the accrediting organization's initial approval and each subsequent renewal of approval by the Board. Upon review of the submission by the Board, written notice shall be provided to the accrediting organization indicating the Board's acceptance of the certification and the next date by which a renewal submission must be filed or of the Board's decision that any identified changes are not acceptable and on that basis denial of renewal of approval as an accrediting organization.~~

(8) Upon denial of its application, the accrediting organization must wait a minimum of six (6) months prior to reapplying.

~~(9)(6)~~ No change.

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02, 12-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care 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: May 5, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.011
 RULE TITLE: Provisional License

PURPOSE AND EFFECT: The Board proposes a rule amendment to allow an applicant ample time to complete the application process before the expiration of his/her provisional license.

SUMMARY: The proposed rule amendment will allow a provisional license to be valid for a single 6 month period.

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: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.011 Provisional License.

(1) No change.

(2) A provisional license shall be valid for a single 6 month period of 60 days.

(3) through (5) No change.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History--New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Nursing Home
Administrators
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 29, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.012
RULE TITLE: Notification of Change of Address or
Employing Facility

PURPOSE AND EFFECT: The Board proposes a rule
amendment to address the requirements for notification of
change of address or employing facility.

SUMMARY: The proposed rule amendment requires board
notification of a change of mailing address within 48 hours.

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: 456.035, 468.1685(1), (5), (7), (8)
FS.

LAW IMPLEMENTED: 456.035, 468.1685(1), (5), (7), (8)
FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.012 Notification of Change of Address or
Employing Facility.

(1) Within 48 hours of assuming or leaving a position as a
nursing home administrator, assistant nursing home
administrator or any change in the identity of the employing
facility within the State of Florida, each licensee must inform
the Department of Health, Board of Nursing Home
Administrators, 4052 Bald Cypress Way, Bin C04,
Tallahassee, Florida 32399-3254, in writing of the exact date
of assuming or leaving the position, or change in the identity of
the facility.

(2) Each licensee shall notify the board office at the above
address, within 48 hours of a change in their mailing address
~~keep the Board office informed of their current mailing
address.~~

Specific Authority 456.035, 468.1685(1), (5), (7), (8) FS. Law
Implemented 456.035, 468.1685(1), (5), (7), (8) FS. History--New
6-14-82, Formerly 21Z-11.12, 21Z-11.012, Amended 10-26-93,
Formerly 61G12-11.012, Amended 10-17-94, 7-27-97, Formerly
59T-11.012, Amended 11-6-02,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-7.020
RULE TITLE: Florida Workers' Compensation
Health Care Provider
Reimbursement Manual

PURPOSE AND EFFECT: To adopt the new version of the
Florida Workers' Compensation Health Care Provider
Reimbursement Manual, 2006 Edition, to implement the
reimbursement rates authorized by the Three Member Panel
pursuant to Section 440.13(12), F.S., at its meeting on April
11, 2006. In addition, the proposed Rule 69L-7.020, F.A.C.,
will adopt updated versions of the Physicians' Current
Procedural Terminology Manual and the American Medical
Association "Healthcare Common Procedure Coding System,
Medicare's National Level II Codes Manual."

SUMMARY: Proposed revisions to the Florida Workers'
Compensation Health Care Provider Reimbursement Manual,
2006 Edition, incorporated by reference into the rule, including
amendments to the uniform schedules of maximum
reimbursement allowances.

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: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) 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):

TIME AND DATE: Tuesday, October 3, 2006, 9:30 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, 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 Don Davis @ (850)413-1711. 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: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1711

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, ~~2006 2005 Second~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The ~~Physicians' Current Procedural Terminology (CPT®); 2006 Current Procedural Terminology 2005~~ Professional Edition, Copyright ~~2005 2004~~, American Medical Association; the Current Dental Terminology, CDT-2005, Copyright 2004, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the ~~American Medical Association~~ "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS ~~2006 2005~~", American Medical Association, Eighteenth Seventeenth Edition, Copyright ~~2005 2004~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, ~~2006 2005 Second~~ Edition incorporated above, the provider must use a code contained in the CPT®-~~2006~~, CDT-2005 or HCPCS-~~2006~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, ~~2006 2005 Second~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Assistant Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2006

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:

69O-170.0155 Forms

PURPOSE, EFFECT, AND SUMMARY: The purpose is to amend an existing form and make it more consumer friendly and provide additional information that will benefit the consumer. Form OIR-B1-1655, Notice of Premium Discounts for Hurricane Loss Mitigation, sets forth mitigation credits. Section 627.711, F.S., requires the Commission to adopt a form for noticing premium discounts for hurricane loss mitigation.

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: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS.

IF REQUESTED IN WRITING 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 2, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

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

(j) OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation," (Rev. 10/06) (~~New 10/1/05~~).

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The ~~Office's Department of Financial Service's~~ website located at <https://www.floir.com> ~~https://www.fldfs.com~~; or

(b) ~~The Bureau of~~ Property and Casualty Product Review Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, 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: September 1, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-170.017 RULE TITLE: Windstorm Mitigation Discounts

PURPOSE, EFFECT, AND SUMMARY: To implement the provisions of Section 627.0629, F.S., relating to credits for windstorm mitigation.

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: 624.307(1), 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.062, 627.0629(1) FS.

IF REQUESTED IN WRITING 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 2, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Koon, Director, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Richard.koon@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.017 Windstorm Mitigation ~~Shutter~~ Discounts.

~~(1)(a) This rule applies to all residential property insurance rate filings filed on or after September 1, 2006. All residential property insurers must make new filings by January 1, 2007, to reflect the requirements in this rule. For the purpose of determining appropriate discounts, credits, rate differentials, or reductions in deductibles for residential properties on which shutters or other wind mitigation devices or fixtures have been installed, pursuant to Section 627.0629(1), Florida Statutes, any rate filing which provides discounts, credits, rate differentials, or reductions in deductibles consistent with any statewide rating organization plan currently approved pursuant to Section 627.062, Florida Statutes, shall be considered in compliance with the applicable requirements of Section 627.0629(1), Florida Statutes.~~

~~(b) A rate filing which does not provide at least the same level of discounts, credits, rate differentials, or reductions in deductibles as specified in such a plan will be disapproved, unless the insurer demonstrates that the discounts, credits, rate differentials, or reductions comply with the requirements of Sections 627.062 and 627.0629(1), Florida Statutes.~~

(2) Section 627.0629, F.S., states that discounts on an actuarially reasonable basis or appropriate reductions in deductibles must be provided in the rates for residential property insurance for fixtures or construction techniques, including minimum provisions of the Florida Building Code which have been demonstrated to reduce windstorm loss. The

discounts must reflect the discounts as set forth in the appendix, which is incorporated by reference, which are based upon the studies *Development of Loss Relativities for Wind Resistive Features of Residential Structures* and *Development of Loss Relativities for Wind-Resistive Features of Residential Structures of Five or More Units*. These discounts must be used without any modification unless they are supported by detail alternate studies where all assumptions are available to the Office for review. These public domain studies providing data and information on estimated loss reduction for wind resistive building features in residences are incorporated by reference, and are available for downloading at the website of the Florida Department of Community Affairs, at <http://www.floridadisaster.org/brm/RCMP/Wind%20Loss/> and <http://www.floridadisaster.org/brm/RCMP/Wind%20Loss/index2.htm> respectively. Any insurer that has implemented a residential property rate filing on or after July 1, 1994, that does not provide at least the level of discounts, credits, rate differentials, or reductions in deductibles provided for in an approved rating plan referenced in subsection (1) above, or otherwise comply with the requirements of Section 627.0629(1), Florida Statutes, shall make a shutter discount filing immediately.

(3) Filings can modify other rating factors to reflect revenue impact on current business only if they have actual information on policies receiving the discounts currently to support the modification. An insurer shall provide to residential property insurance policy applicants at the time of procurement of the policy application actual notice of the availability of discounts, credits, rate differentials, or reductions in deductibles, as well as all requirements that must be satisfied in order to qualify for such discounts, credits, rate differentials or reductions. For all residential property insurance policies in force on the effective date of this rule, an insurer shall, at the next renewal, provide such actual notice to the policyholder. After once providing such actual notice to a policyholder or policy applicant, an insurer shall not be required to again provide such notice at the time of renewal of the policy unless the insurer implements changes to its discounts, credits, rate differentials, reductions in deductibles, or requirements that must be satisfied to qualify for such discounts, credits, rate differentials, or reductions. Failure to provide such notice shall be considered a violation of Section 626.9541(1)(a)1., Florida Statutes.

Specific Authority 624.307(1), 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0629(1) FS. History—New 4-1-98, Formerly 4-170.017, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Koon, Director, 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: September 1, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation – Residual Markets

RULE NOS.:	RULE TITLES:
69P-2.001	Purpose
69P-2.002	Adoption of Property and Casualty Risk Apportionment Plan

PURPOSE, EFFECT AND SUMMARY: To adopt a joint underwriting plan for commercial property insurance.

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: 624.308(1), 627.351(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.351(5) FS.

IF REQUESTED IN WRITING 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 2, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Abby London, Director, Legislative and Cabinet Affairs, Office of Insurance Regulation, E-mail: abby.london@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69P-2.001 Purpose.

The purpose of this rule is to adopt a joint underwriting plan to equitably apportion among insurers authorized in this state to write property and casualty insurance the underwriting of insurance to persons with risks eligible, as defined in the statutes and this rule, and who are in good faith entitled to, but are unable to, obtain an adequate level of insurance coverage, including excess coverage, through the voluntary market. Upon adoption of this plan, all insurers authorized in this state to underwrite property or casualty insurance shall participate in this plan. This plan shall be construed to conform, and, when necessary, amended to conform to the provisions of Subsection

627.351(5), Florida Statutes. The purpose of these rules is to adopt a Plan for the provision of property and casualty insurance coverage to persons in Florida who are eligible for such insurance coverage when such coverage must be provided by the Florida Property and Casualty Joint Underwriting Association as specified in Section 627.351(5), Florida Statutes.

Specific Authority 624.308(1), 627.351(5) FS. Law Implemented 624.307(1), 627.351(5) FS. History--New 8-13-89, Formerly 4-87.001, 4J-2.001, Amended _____.

69P-2.002 Adoption of Property and Casualty Risk Apportionment Plan.

The Florida Property and Casualty Joint Underwriting Association Plan of Operation, as amended April, 1991, and Articles of the Association are hereby adopted as the plan for property and casualty insurance risk apportionment in Florida and incorporated by reference.

(1) The following terms have the following meanings for purposes of this rule:

(a) "Adequate level of coverage" means that coverage which is required by state law or by responsible or prudent business practices.

(b) "Assessable Premium" means the net direct premiums of each participating insurer for commercial property insurance risks written by the insurer, excluding the premium associated with commercial residential insurance policies. Assessable Premium does not include premium associated with liability insurance or kinds of insurance other than property insurance.

(c) "The Association" means the Property and Casualty Joint Underwriting Association.

(d) "Market assistance plan" means the market assistance plan adopted pursuant to Section 627.3515, Florida Statutes.

(e) "Net direct premium" means gross direct premiums, including policy and membership fees less return premiums and premiums on policies not taken.

(f) "Office" means the Office of Insurance Regulation.

(g) "Participating insurer" means each and every insurer authorized in this state to underwrite commercial property insurance. The term does not include an insurer who writes only reinsurance and does not write direct insurance in this state.

(h) "Qualifying quoted premium" means a quote on coverage from an insurer that meets the following criteria:

1. In the case of an authorized carrier, the quoted premium must not exceed the premium available for a given classification currently in use by the Association or the premium developed by using the rates and rating plans on file with the Office by the quoting insurer, whichever is greater.

2. In the case of an unauthorized surplus lines insurer, the quoted premium must not exceed the premium available for a given classification currently in use by the Association by more than 25 percent, after consideration of any individual risk surcharge or credit.

(i) "Servicing carrier" means a participating insurer which agrees to be and is designated by the office to provide policyholder and claims service, including the issuance of policies, on behalf of the participating insurers.

(j) "Substantially impair the ability of the entity to conduct its affairs" means that the lack of insurance would result in one or more of the following conditions:

1. An event of default on an existing business loan or mortgage; or

2. A structure that is necessary for the business to continue operations could not be rebuilt in the event of a catastrophe; or

3. The business entity could not continue to meet its legal obligations.

(k) "Unavailable in the voluntary market" means that the insured or agent has made a diligent search, has made a good-faith application for coverage from a minimum of one surplus lines insurance company, and three authorized insurance companies, and the Florida Market Assistance Plan has made a search and an adequate level of coverage has not been found or the quoted premium exceeds the limitations of Section 627.351(5)(a)1.e., Florida Statutes.

(2) Powers of the Association. The Association may perform any activity involved in the business of insurance including the borrowing of funds and entering into financing agreements.

(3) The Board of Governors. The Association shall be overseen by a thirteen-member Board of Governors (hereinafter "the Board") as provided by statute. Board members shall be appointed to serve two-year terms, but may be removed and replaced at any time by the Chief Financial Officer. The first term of office for all Board members shall begin upon the date of the Chief Financial Officer's first appointment and shall expire two years later unless replaced by the Chief Financial Officer at an earlier time. Any replacement appointments also shall be made for a period of two years. Four of the Board members shall be representatives of insurance company trade associations, and two members shall be representatives of agent associations. The remaining seven members may be any persons appointed by the Chief Financial Officer. The Board may appoint committees and advisory groups as it deems necessary. The Risk Underwriting Committee is appointed in the manner provided by the statute and is not a committee or subcommittee of the Board. However, its decisions are limited to the determination of eligibility of individual risks for coverage. The Board retains the authority to design the policy forms and rates for the insurance to be offered by the Association, subject to approval by the Office.

(4) Board Meetings. The Board shall meet as often as necessary, but at least twice annually. The Board will conduct its meetings in accordance with Robert's Rules of Order and will make its decisions on a simple majority of all Board members present unless otherwise provided by statute. Board meetings shall be conducted in compliance with Chapter 286, Florida Statutes (the Sunshine Law).

(5) Board Powers and Immunities. Board members are authorized to perform any activity that Directors of corporations may perform and any activity of the Association. Pursuant to Section 627.351(5)(f), Florida Statutes, Board members and employees of the Association are immune from liability for their actions taken in the performance of their duties for the association. In the event that a Board member is served with a civil complaint with respect to any business of the Association, the Board member shall be entitled to indemnification from the Association for costs and reasonable attorney's fees unless and until a determination is made by a court of competent jurisdiction that the Board member engaged in conduct that constitutes a felony under Florida law. Board members are also entitled to reimbursement for the ordinary costs of attending meetings, but are not otherwise entitled to salaries for Board service.

(6) Contracts and Employees.

(a) The Board may enter into contracts with experts and other advisors to assist in conducting the business of the Association at rates negotiated for each engagement. To the extent possible, unless the contract would be exempt from competitive bid for a state agency or unless the Board determines that an emergency exists, contracts for more than \$100,000 in any year shall be competitively bid, and contracts under \$100,000 shall be awarded only after a minimum of three quotes are obtained from competing vendors. The Association may enter into contracts with other statutorily-created entities such as other JUA's, guaranty associations or their managers, the Market Assistance Plan, or the Florida Hurricane Catastrophe Fund without competitive bids or quotes.

(b) The Board may hire such staff and executive staff as it deems necessary to be compensated by the Association. The Board shall make every effort to retain executive staff with previous experience or expertise in the commercial property insurance market. Because Section 627.351(5), Florida Statutes, requires that a servicing carrier be used for policyholder services, the Association is not expected to hire an extensive staff. However, it shall retain as many employees as necessary to ensure that an appropriate level of policyholder service is maintained.

(c) The Board shall designate positions that are to function as Senior Management of the organization. All senior managers and Board members shall comply with Part III of Chapter 112, Florida Statutes, including the code of ethics, and the public disclosure and reporting of financial interests

pursuant to Section 112.3145, Florida Statutes. Senior managers and Board members are required to file such disclosures with the Office. At least quarterly, the executive director shall submit a list of the names of the senior managers and members of the Board of Governors to the Commission on Ethics.

(d) A senior manager of the Association may not represent a person or entity before the Association for a period of two years after the date of termination of employment. The Board shall implement a detailed Ethics and Conflicts of Interest Policy and a Policy for Procurement of Contracts that avoids any actual or apparent conflict of interest by any employee, vendor, or Board member of the association.

(7) Appointment of Servicing Carriers. The Office may appoint one or more participating insurance companies to service policies either for policy issuance, claims, or any combination of services. The Association shall pay the fees of such appointed servicing carrier pursuant to a contract negotiated between the carrier and the association, and subject to the approval of the Office.

(8) Form of the insurance to be written by the Association. The Association may write commercial property insurance including direct insurance, excess insurance, and reinsurance of commercial property risks.

(9) Eligibility of Risks.

(a) A risk shall be eligible for such commercial property insurance as is required by Florida law if the insurance is unavailable in the voluntary market, including the market assistance program and the surplus lines market.

(b) A commercial risk not eligible under paragraph (a) (that is, because the coverage is not required by Florida law) shall be nevertheless eligible for such commercial property insurance if:

1. The insurance is unavailable in the voluntary market, including the market assistance plan and the surplus lines market in accordance with paragraph (1)(k); and

2. Failure to secure the insurance would substantially impair the ability of the entity to conduct its affairs; and

3. The risk is not determined by the Risk Underwriting Committee to be uninsurable.

(10) Classification System. For purposes of this rule commercial property insurance is considered a class of property insurance. Other classes of insurance may not be written by the Association without an amendment to this rule.

(11) Market Assistance Plan; Activation of Coverage.

(a) If the market assistance plan receives a minimum of 100 commercial property quote requests within a 3-month period, or 200 commercial property quote requests within a 1-year period or less, for a given class of risk contained in the classification system defined in the plan of operation of the Association, and unless at least 80 percent of such applicants find coverage as a result of the market assistance program

referral at or below the qualifying quoted premium, the Commercial Property Insurance class of risk shall immediately be eligible for coverage in the Joint Underwriting Association.

(b) Any market assistance plan application that is rejected because an individual risk is so hazardous as to be practically uninsurable, or because the likelihood of a loss for such a risk is substantially higher than for other risks of the same class due to individual risk characteristics, prior loss experience, unwillingness to cooperate with a prior insurer, physical characteristics and physical location, will be excluded from the minimum percentage calculation provided in paragraph (a).

(c) In the event that there is any legal or administrative challenge to a determination by the Office that the conditions of this subsection have been met for eligibility for coverage in the Association for a given classification, any eligible risk may obtain coverage during the pendency of any such challenge.

(12) Removal of Risks.

(a) The Association shall establish a procedure to identify and remove risks from the plan once such risks no longer meet the eligibility requirements for coverage by the Association. At each 6-month interval after the activation of any class of risks, the Board of Governors or its designated committee shall review the number of applications to the market assistance plan for that class. If, based on such review, it is determined that at least 90 percent of such applications have been provided a qualifying quoted premium, the Association shall cease underwriting new applications for such class within 30 days, and notification of this decision shall be sent to the Office, the major agents' associations, and the Board of Directors of the market assistance plan. All policies which were previously written for that class shall continue in force until their normal expiration date, at which time, subject to the required timely notification of nonrenewal by the Association, the insured may then elect to reapply to the Association according to the requirements of eligibility. If, upon reapplication, those previously insured Association risks meet the eligibility requirements, the Association shall provide coverage available from the Association.

(b) In addition, the Board may establish a plan for transfer of risk from the Association to other entities either through reinsurance or other risk transfer or risk financing mechanisms. The cost of such reinsurance or other risk transfer or risk financing arrangements may be included in the rates of the Association.

(13) Equitable apportionment of profits, losses and expenses.

(a) In the event an underwriting deficit exists for any calendar year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available.

(b) As to any remaining deficit, the Board of Governors of the Association shall levy and collect an assessment from participating insurers in an amount sufficient to offset such deficit. Such assessment shall be levied against the insurers participating in the plan during the year giving rise to the assessment. Any assessments against insurers for the lines of property insurance issued to commercial risks shall be recovered from the participating insurers in the proportion that the assessable premium of each insurer for commercial risks written during the preceding calendar year bears to the aggregate assessable premium written by all members of the plan for the lines of insurance included in the plan.

(c) The Board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating insurer and policyholder, including, if prudent, filing suit to collect such assessment. If the Board is unable to collect an assessment from any insurer, the uncollected assessments shall be levied as an additional assessment against the participating insurers and any participating insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying insurer. In addition, the failure of an insurer to pay an assessment timely shall constitute a violation of this rule subjecting the insurer to administrative action by the Office.

(14) Recoupment of Assessments. An insurer or insurer group may recoup any assessments that have been paid to the Association as provided for in Section 627.3512, Florida Statutes.

(15) Procedure for Assessments.

(a) Annually, no later than March 31, the Board shall calculate the participation ratio of each participating insurer and issue it to the insurer. The participation ratio is the share of any assessment that would be borne by that insurer, if an assessment is determined to be necessary. An insurer that disagrees with its participation ratio calculation has 30 days from issuance of the ratio within which to appeal to the Board to change the participation ratio calculation. If an insurer fails to appeal the calculation within 30 days from the date of issuance, the calculation for each participating insurer becomes final and unappealable.

(b) To issue an assessment, the Board shall determine that the need for an assessment exists, and shall certify the need and the amount of the assessment to the Office. The Board may determine that an assessment is needed for start-up costs for the Association. The Office shall provide the Board with a list of participating insurers and the corresponding reported Assessable Premium volume. The Association may then apply any credits earned by the insurer and issue an assessment invoice to each participating insurer.

(c) The invoice must be paid within 30 days, provided, however, that if a hurricane makes landfall in Florida and the Board anticipates that the assessment will be needed to fund claim payments, the Board may require the invoice be paid

within 10 days. In addition to the civil action provided by statute, the failure of an insurer to pay an invoice when due shall constitute a violation of this rule subjecting the insurer to administrative action by the Office.

(16) Credits Against Assessments. The Board shall adopt a plan, subject to the approval of the Office, to provide each participating insurer the opportunity to earn credits against any deficit assessment for commercial property risks voluntarily written through the Market Assistance Plan by such insurer. Credits may be based upon the premium or policy limits for risk taken by the insurer pursuant to contract of excess insurance coverage or a reinsurance contract between the insurer and the Association. Credits may also be established, and may be greater, for risks taken by the insurer where the insurer writes the insurance coverage through the Market Assistance Plan without any participation by the Association whether or not the risk has been insured by the Association in preceding years. The Board may file amended plans for credit against assessments as often as necessary to encourage participation by the voluntary market. The plans shall be effective when approved and shall apply prospectively to assessments levied for the plan year during which they are in effect. The credit plan may provide for no credits to be given in the event that bonds are issued and the assessment is being made for the purpose of repayment of bond debt. An insurer shall not receive credits for its participation in a policy for an insured which it had nonrenewed or cancelled within the two years preceding the inception of the policy issued to the same insured by the Association.

(17) Reporting Requirements. The Board may establish the format of a report to be sent each quarter to each participating insurer, with respect to its commercial property written, informing the insurer of its share of profits, losses, and expenses under the plan. The Office may also establish the format of a report to be sent each quarter to the Office by each participating insurer with respect to its commercial property written reporting the volume of net direct premium to enable the Office to calculate each insurer's portion of any potential deficit assessment under this plan. The Office may require separate reporting for commercial residential and commercial non-residential risks for each line of insurance listed in the report. The lines of insurance anticipated to be included are lines 1, 2, 5.1, 5.2, 3, and 12 of the state page of the annual statement. The purpose of including the commercial residential premium written for property risks is solely to allow the total on the report to correlate to annual statement reporting, and is not intended to make commercial residential property premium part of the assessment base for this Association.

(18) Financing Arrangements.

(a) There are three different aspects of financing in which the Association is involved:

1. Financing for Operations – The Board may borrow money and may enter into financing agreements to fund start-up costs, operating expenses, or claim payments and associated loss adjustment expenses that occur during the existence of the Association.

2. Assessments for Underwriting Deficits – In the event an underwriting deficit exists for any calendar year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available. As to any remaining deficit, the Board shall levy and collect an assessment as provided above.

3. Assessments Following Issuance of Bonds – The governing body of any unit of local government, any residents or businesses of which are insured by the Association, may issue bonds as defined in Section 125.013, Florida Statutes, or Section 166.101, Florida Statutes, from time to time to fund an assistance program, in conjunction with the Association, for the purpose of defraying deficits of the Association. Revenue bonds may not be issued until validated pursuant to Chapter 75, Florida Statutes, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to Section 252.36, Florida Statutes, making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will provide relief to claimants and policyholders of the joint underwriting association and insurers responsible for apportionment of association losses. The unit of local government shall enter into such contracts with the Association as are necessary to carry out this subsection. Any bonds issued shall be payable from and secured by moneys received by the Association from assessments under this subsection, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the Office shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the Office determines that the purchase would endanger or impair the solvency of the insurer.

(b) Section 627.351(5)(c)6.a., Florida Statutes, states, "The Legislature finds that the potential for unlimited assessments under this paragraph may induce insurers to

attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the Association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for covering any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.” The total amount of deficit assessments with respect to the deficit in any year may not exceed 10 percent of the Assessable Premium for all insurers for the prior year, except that if the deficit with respect to any plan year exceeds such amount and bonds are issued to defray the deficit, the total amount of assessments with respect to such deficit may not in any year exceed 10 percent of the original deficit, or such lesser percentage as is sufficient to retire the bonds as determined by the Board, and shall continue annually until the bonds are retired.

(19) Deferment of Assessments. An assessment of an insurer may be deferred, in whole or in part, if the Office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments.

(20) Risk Underwriting Committee.

(a) A Risk Underwriting Committee of the Joint Underwriting Association composed of three members experienced in evaluating insurance risks is created to review risks rejected by the voluntary market for which application is made for insurance through the joint underwriting plan. The committee shall consist of a representative of the market assistance plan created under Section 627.3515, Florida Statutes, a member selected by the participating insurers, and a member named by the Chief Financial Officer. The Risk Underwriting Committee shall appoint such advisory committees as are provided for in the plan and are necessary to conduct its functions. The Association may pay or reimburse the salaries and expenses of the members of the Risk Underwriting Committee and its advisory committees for the time spent on behalf of the Risk Underwriting Committee. The Risk Underwriting Committee shall recommend a plan, subject to approval by the Office, to establish criteria and procedures for use by the Risk Underwriting Committee for determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered in addition to criteria commonly used in the market for determining the insurability of the risk:

1. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and
2. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

(b) The Risk Underwriting Committee shall not be required to review a risk for insurability if an authorized insurer agrees to accept some portion of the risk under an excess of loss contract or reinsurance contract between the insurer and the Association. In accordance with the statute, the acceptance or rejection of a risk by the Underwriting Committee is final and is the private placement of insurance, and is not subject to the provisions of the Administrative Procedure Act, Chapter 120, Florida Statutes.

(21) Policy Forms and Applications.

(a) No policy or policy form shall be used unless it has been approved by the Office. The Association may offer coverage that is more restrictive than the coverage offered by the voluntary market, and may limit its property coverage for a particular risk to cover only a specified structure or structures. It may limit coverage for contents or business interruption and may provide coverage limited to the value of the insured structure. It may offer direct insurance, excess insurance or reinsurance if approved by the Board and the Office.

(b) The application form to be required of insureds shall also be filed and must be approved by the Office prior to its use by the Association. The application form must include, as a minimum, the following:

1. Underwriting information on each building that is to be insured.
2. The name of the prior insurer of the account, if any, along with a copy of the policy or declarations page showing the coverage written for the year prior to application.
3. A copy of any non-renewal or cancellation notice issued by the prior insurer.
4. A certification from the agent that a good-faith effort has been made to find coverage and that the coverage is unavailable in the voluntary market, including a list of the three carriers, plus the surplus lines carrier to which the risk was submitted.

(22) Underwriting Rules. Underwriting Rules shall be filed and shall not be used until approved by the Office of Insurance Regulation. The Underwriting Rules shall include a requirement that the application for coverage be submitted to the Market Assistance Plan prior to coverage by the Association. A waiting period of a minimum of ten days shall be required as an underwriting requirement to afford the voluntary market a reasonable opportunity to underwrite and take the risk. In an emergency, the waiting period may be waived upon terms and conditions established in the underwriting rules of the Association. Inspections may be required.

(23) Rates. The Association shall establish a rating plan to be filed with and approved by the Office in advance of implementation. Rates shall be actuarially sound and consistent with the applicable standards of Sections 627.062 and 627.351(5), Florida Statutes. The Association may have

multiple programs for direct insurance, excess insurance, and reinsurance business, and may establish a separate rating plan for each program. The rating plan shall include the following:

(a) An appropriate rate level or levels for risks with loss experience equal to or better than that contemplated by the expected loss ratio in the filing.

(b) An appropriate rate level or levels for risks with loss experience worse than that contemplated by the expected loss ratio in the filing.

(24) Deductibles. The Association may establish in its rating plan(s) applicable deductibles as may be necessary to meet the needs of the insureds and to protect the interests of the Association. A deductible of five percent shall apply for the initial policies written by the Association. If the Board determines that a higher or lower deductible amount is needed, the Board may approve different deductibles for each of its programs, file an amended rating plan with the Office, and upon Office approval, offer policies with the new approved deductible amount.

(25) Policy Limits. The Board may establish reasonable limits on available amounts of insurance. Initial policies issued by the Association shall have limits not exceeding one million dollars. If the Board determines that higher or lower limits are needed, the Board may adopt different limits, and file an amended rating plan and policy form with the Office. Upon Office approval, the Association may offer policies with the new approved limits.

(26) Commissions. The commissions payable to producers shall be determined by the Board and set forth in the Association's rating plan, but shall be less than the typical commissions earned for the sale or placement of risk with a private insurance company, and shall not reward an agent for placing a higher volume of risk with the Association.

(27) Policy Cancellations and Renewals.

(a) Unless otherwise required by law, the Board may establish procedures for the cancellation of policies for nonpayment of premium, misrepresentation of material fact, or failure to comply with risk management programs or other underwriting criteria. Policies may also be cancelled or nonrenewed if there has been a substantial and material change in the nature of the risk that renders it uninsurable or otherwise ineligible for coverage by the Association. Return premiums shall be on a pro rata basis unless determined otherwise by the Board and included in the rating plan.

(b) Renewals may be offered, but each risk shall apply for renewal prior to the expiration of the policy period and shall include with its application for renewal such information as the Association may reasonably require to confirm that the risk remains eligible for coverage.

(28) Risk Management Programs. The Board may establish Risk Management Programs and require compliance with such programs as a condition of coverage at policy inception and as a condition of renewal. The Risk Management

Programs may require reasonable efforts to mitigate against the risk of loss from hurricanes, including the installation of shutters, tied-down roofing materials, and other devices designed to prevent unnecessary losses from the peril of wind. The Risk Management Programs shall be included in the Association's underwriting rules subject to approval by the Office.

(29) Amendments to this Plan of Operation of the Association. The Board of Governors may adopt amendments to this plan of operation to be submitted for review to the Office. The Office will review the amendments and may place the proposed plan amendments on the calendar for a meeting of the Financial Services Commission for approval. Plan amendments shall not be effective until approved by the Financial Services Commission.

(30) Deactivation of the Joint Underwriting Association.

(a) If, at any time, the Financial Services Commission determines that the purposes of the Association have been served or that the Association is no longer necessary or advisable, the Financial Services Commission may deactivate the Association. Such deactivation plan shall provide that upon deactivation, the assets of the Association shall be applied first to pay all debts, claims, liabilities, expenses and obligation of the Association including the establishment of reasonable reserves for any contingent liabilities or obligations. Any remaining assets shall be paid to the state of Florida and deposited into or for the benefit of the Florida Comprehensive Hurricane Damage Mitigation Program, the Florida Hurricane Catastrophe Fund or such other fund as may be designated by the Financial Services Commission. However, no deactivation shall take effect as long as the Association has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(b) Deactivation by the Financial Services Commission is the only method for termination of the business of the Association. The Association shall not be subject to the appointment of a receiver pursuant to Chapter 631, Florida Statutes, and no employee, Board member, insured, participating insurer or other person is authorized to file for bankruptcy protection of the Association on a voluntary or involuntary basis.

Specific Authority 624.308(1), 627.351(5) FS. Law Implemented 624.307(1), 627.351(5) FS. History--New 8-13-89, Formerly 4-87.001, 4J-2.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Abby London, Director, Legislative and Cabinet Affairs,
Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dave Foy, Chief of Staff, Office of
Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: August 11, 2006

RULE NOS.:
59A-31.007

59A-31.009
59A-31.010

RULE TITLES:
Service of Petition on Carrier and Affected Parties
Carrier Response Requirements
Effect of Non-Response by Carrier

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 29 (July 21, 2006), issue of the Florida Administrative Weekly.

59A-31.007 Service of Petition on Carrier and Affected Parties.

(1) No change.

(2) Carrier designation of an entity to receive service on behalf of the carrier and all affected parties, as required by paragraph 69L-7.602(5)(q), F.A.C., does not confer standing on the designated entity beyond that which the entity would otherwise have under applicable law.

(2) through (4) renumbered (3) through (5) No change.

59A-31.009 Carrier Response Requirements.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Agency within ten calendar (10) days after receipt of a copy of the petition by United States Postal Service (USPS) certified mail. However, where the carrier has received curative documentation from the petitioner pursuant to subsection 59A-31.005(2), F.A.C., the Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Agency within ten (10) calendar days after receipt, by the carrier of the curative documentation from the petitioner. The carrier's response to the petition must include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0024, effective September 8, 2006). Failure of the carrier to meet these requirements constitutes waiver of all objections to the petition.

(2) through (3) No change.

59A-31.010 Effect of Non-Response by Carrier.

~~(4) Failure of the carrier to timely submit a Carrier Response to Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0024, effective September 8, 2006) and accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the petition. Waiver of all objections to the petition shall result in the Agency determination and final order being based solely upon the allegations and supporting documentation submitted by the petitioner.~~

~~(2) If a carrier has waived all objections to the petition under Section 440.13(7), F.S., with regard to a particular disallowance, adjustment or denial of payment, the carrier has~~

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
12B-7.0225 Computation of Phosphate Rock Tax Rate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-7.0225 F.A.C., published in Vol. 32, No. 25, pp. 2817-2819, June 23, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated July 7, 2006, Rule 12B-7.0225, F.A.C., has been changed, so that, when adopted, that rule will read as follows:

12B-7.0225 Computation of Phosphate Rock Tax Rate.

The U.S. Bureau of Labor Statistics Producer Price Index, North American Industry Classification System (NAICS) National Code 212392, Phosphate Rock Commodity Code 147, Chemical and Fertilizer Mineral Mining, is used hereby adopted by reference for the purpose of calculating the annual base rate adjustment to the phosphate rock tax rate, beginning with the year 2007 and annually thereafter. For the purpose of implementing the provisions Section 211.3103(9), F.S., the method used to compute the tax rate for the year 2006 will be the percentage change in phosphate rock prices as published by the U.S. Geological Survey, from 2004 to 2005, times the 2005 tax rate for phosphate rock as published by the Department, all incorporated by reference.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER NO.: RULE CHAPTER TITLE:
59A-31 Disputed Reimbursement Rule