

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sharon Whiddon, Chief, Bureau of Credit Union Regulation,  
 Office of Financial Regulation, Fletcher Building, 101 East  
 Gaines Street, Tallahassee, Florida 32399. Telephone:  
 (850)410-9536  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 PROPOSED RULES: Financial Services Commission  
 DATE PROPOSED RULES APPROVED BY AGENCY  
 HEAD: December 5, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 8, 2006

for the change, and anticipated financial impacts of the change.  
 The Department shall conduct a public hearing(s) in  
 accordance with the requirements of Chapter 120, F.S.

(4) No change.

Specific Authority 553.992, 553.998 FS. Law Implemented 553.992,  
 553.996 FS. History—New 7-1-94, Amended 12-27-98, 11-28-04,  
 \_\_\_\_\_.

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-60 Florida Building Energy Rating  
 System

RULE NOS.: RULE TITLES:

9B-60.002 Definitions  
 9B-60.003 Department Activities  
 9B-60.004 Florida Building Energy Rating  
 System, Adopted  
 9B-60.005 Training and Certification Program  
 9B-60.007 Florida Building Energy Rating  
 System, Existing Public Buildings  
 9B-60.008 RESNET Standards, Adopted

**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. 41, October 13,  
 2006, edition of the Florida Administrative Weekly. The  
 changes are made in response to comments received at the  
 public hearing. The changes are as follows:

9B-60.003 Department Activities.

(1) through (2) No change.

(3) Any person may submit recommendations for  
 proposed revisions or modifications to the rating system to the  
 Department for consideration. Such proposed revisions and  
 modifications shall be submitted in writing on Department of  
 Community Affairs' Proposed Change Request form, No.  
300-06 #300, revised \_\_\_\_\_, effective July 1, 1994,  
 incorporated herein by reference. Copies of this form are  
 available by writing to the Department of Community Affairs,  
 Building Energy Rating System Program, 2555 Shumard Oak  
 Boulevard, Tallahassee, Florida 32399-2100. Such proposals  
 shall include the date of submittal, an identification of the  
 submitter, identification of the section of the rating system to  
 be revised, the new proposed language, a justification or reason

9B-60.004 Florida Building Energy Rating System,  
 Adopted.

(1) No change.

(2) The home energy rating (HERS rating) for residential  
 buildings shall be determined using only EnergyGauge  
 Gauge® USA, version 2.5. Confirmed HERS ratings shall be  
 specific to one residence; sampling is not an acceptable  
 procedure for ratings in Florida. Air distribution system  
 testing for Class 1 ratings shall be performed in accordance  
 with Annex B and Annex C of BSR/ASHRAE Standard  
 152-04, "Method of Test for Determining the Design and  
 Seasonal Efficiency of Residential Thermal Distribution  
 Systems." A Class 3 rating shall be clearly labeled as a  
 "projected rating based on plans."

(3) No change.

(4) The energy rating for public and commercial buildings  
 shall be determined using only the Florida Commercial  
 Building Energy Rating System software  
 (EnergyGauge/ComFREE, Version 1 2) ~~which produces the  
 Florida Building Energy Rating Guide forms: Form #12A-01  
 for the North climate zone, Form #12B-01 for the Central  
 climate zone and Form #12C-01 for the South climate zone.~~  
 The Florida Commercial Building Energy Rating System  
 software (EnergyGauge/ComFREE, Version 1 2) is hereby  
 incorporated by reference. Public buildings owned or leased  
 by state agencies and units of local government that are  
 governed by Section 255.254, F.S., may utilize this rating  
 system as one of the annual energy usage and cost by methods  
 approved by those agencies.

(5) No change.

Specific Authority 553.992 FS. Law Implemented 553.994,  
 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95,  
 12-27-98, 11-28-04,\_\_\_\_\_.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no  
 person may provide a rating for buildings in Florida unless  
 such a person has been certified as provided by this part. To  
 perform a rating for any building as required by this rule, the  
 person performing the rating must be certified by the  
 Department of Community Affairs. In accordance with Section  
 102.1.3.6 of the 2006 Mortgage Industry National Home  
 Energy Rating Systems Standards, a Florida Certified Rater  
 who has a financial or other interest resulting from the energy

Rating results (including any recommended improvements resulting from the Rating) shall provide written disclosure of the nature of the financial or other interest to the owner of the property being rated utilizing the disclosure form printed from EnergyGauge@USA, version 2.5, No. 400-06, effective \_\_\_\_\_ Form 11D-01, Interest Disclosure Form.

(b) No change.

(c) An application for annual certification renewal shall be submitted on ~~f~~Form No. 500-06, effective \_\_\_\_\_, ~~500B-1, incorporated~~ herein ~~incorporated~~ by reference, with a renewal fee of \$50. In addition to the annual renewal fee, a certified residential rater must, over a three year period, have completed twelve credit hours of continuing education in courses accepted by the Department for certification renewal. Acceptable courses shall, in general, be those dealing with energy use in buildings and building systems (including heating, ventilating and air conditioning), building design or construction, codes or plan review, financing or selling buildings, and courses on energy rating systems.

(2) The following qualifications, at a minimum, are required for certification as a rater:

(a) The individual shall submit an application on the Department of Community Affairs ~~f~~Form No. 500-06 #500A-01, effective \_\_\_\_\_, ~~incorporated~~ herein ~~incorporated~~ by reference, and pay the appropriate application fee of \$150.00. The form is available by writing to the Department of Community Affairs, Energy Rating System Program, 2555 Shumard Oak Blvd, Tallahassee, Florida 32399-2100.

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

(3) Reporting Requirements. Certified raters shall submit all ratings to the Department in care of the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920 via the website upload at: [http://dbase.fsec.ucf.edu/pls/engauge/rating\\_home](http://dbase.fsec.ucf.edu/pls/engauge/rating_home).

(a) through (b) No change.

(4) A written report shall be provided to the purchaser of real property or that individual who requested the rating. Such report shall include the ~~Florida~~ Building Energy Rating report and the following:

(a) A completed copy of the ~~Florida~~ Building Energy Rating Guide, form No. 600-06, effective \_\_\_\_\_, (~~Form #11-01 or Form #12-01~~);

(b) through (d) No change.

(e) The disclosure form printed from EnergyGauge@USA, version 2.5, form No. 400-06, effective \_\_\_\_\_.

Specific Authority 553.992 FS. Law Implemented 553.995(4) FS. History–New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, 11-28-04,\_\_\_\_\_.

9B-60.007 Florida Building Energy Rating System, Existing Public Buildings.

(1) through (2) No change.

(3) The energy rating for existing public buildings shall be determined using the Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE, Version 1 2.2) in accordance with Rule 9B-60.004, F.A.C. Public buildings owned or leased by state agencies and units of local government governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost methods approved by those agencies.

(4) No change.

Specific Authority 553.992 FS. Law Implemented 553.991, 553.993, 553.994, 553.995, 553.997, 553.998 FS. History–New 7-21-94, Amended 12-27-98,\_\_\_\_\_.

9B-60.008 RESNET Standards, Adopted.

The 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended November 7, 2005, promulgated by the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials, are adopted and incorporated by reference as the rule of this Department.

Specific Authority 553.992 FS. Law Implemented 553.995(1)(c) FS. History–New 12-27-98, Amended 11-28-04,\_\_\_\_\_.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SunCom 278-0964

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2006. (This was omitted in the Notice of Proposed Rulemaking which appeared in the FAW on October 13, 2006.)

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006 ~~September 22, 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."

**FLORIDA PAROLE COMMISSION**

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

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 36, September 8, 2006, Florida Administrative Weekly has been withdrawn as unauthorized per the Joint Administrative Procedures Committee.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-2.001                      RULE TITLE: Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 40, October 6, 2006, issue of the Florida Administrative Weekly.

The changes are in response to a public hearing held on the rule on November 30, 2006. At the hearing, the Rules Committee of the Board of Medicine heard testimony from counsel for First Professional Insurance Company. The Rules Committee recommended that the rule be changed and the Board of Medicine, at its meeting held on December 2, 2006, approved the Committee’s recommendation. When changed, subsection (12) shall read as follows:

(12) The term “record” as it appears in Section 456.50(2), F.S., shall include a certified copy of the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, excluding the jury selection transcript, all evidence admitted or copies thereof if the original is not available, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-8.019                      RULE TITLE: Submission of Malpractice Record

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32 No. 40, October 6, 2006, issue of the Florida Administrative Weekly.

The changes are in response to a public hearing held on the rule on November 30, 2006. At the hearing, the Rules Committee of the Board of Medicine heard testimony from counsel for First Professional Insurance Company. The Rules Committee recommended that the rule be changed and the Board of Medicine, at its meeting held on December 2, 2006, approved the Committee’s recommendation. The changes are as follows:

1. Subsection (1) shall be reworded to read: “All physicians licensed pursuant to Chapter 458, F.S., shall provide to the Board of Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, involving an incident that occurred on or after November 2, 2004, within 180 days of entry of the final judgment or order. The record shall be sent to the Board of Medicine, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399-3253.”

2. Subsection (2) shall be reworded to read: “The record shall include a certified copy of the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, excluding any jury selection transcript, all evidence admitted or copies of evidence if the original is not available, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.”

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 36, September 8, 2006, issue of the Florida Administrative Weekly.

The changes are in response to comments received at a public hearing held on the rule on November 30, 2006. The Surgical Care Committee heard testimony on behalf of the Florida Association of Nurse Anesthetists and recommended changes to the rule. The Board of Medicine, at its meeting held on December 2, 2006, voted to change the rule as recommended by the Surgical Care Committee. The change in subsection (4)(b) of the rule are as follows:

Subparagraph (4)(b)8., shall be reworded to read as follows: “The accrediting organization must have at least one anesthesiologist in that organization that implements, administers, and monitors the quality assurance processes set forth above.”

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

**DEPARTMENT OF HEALTH****Board of Medicine**

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 24, June 16, 2006, issue of the Florida Administrative Weekly.

The changes are in response to negotiations with the Florida Psychiatric Society (FPS) in light of FPS's rule challenge. The changes were considered by the Rules Committee at its meeting held on November 30, 2006. The Rules Committee made a recommendation to the Board on December 2, 2006, and the Board approved the changes to the proposed rule. When changed, the rule shall read as follows:

64B8-9.015 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

(1) Before a physician may evaluate or treat sex offenders pursuant to Chapters 947 and 948 F.S., as a "qualified practitioner" as defined in Section 947.005(9) or 948.001(6), F.S., the physician shall, at a minimum:

(a) Hold an active license under Chapter 458, F.S.; and

(b) Demonstrate qualification and experience through the completion of training from a four-year psychiatric residency program accredited by the ACGME or AOA that includes the following subject matter as applicable to the evaluation and treatment of sex offenders:

1. Development and documentation of a DSM-IV multi-axial differential diagnosis; an integrative case formulation that includes neurobiological, phenomenological, psychological, and sociocultural issues involved in sexual offender diagnosis and management; and an evaluation plan, including appropriate laboratory, imaging, medical, and psychological examinations;

2. Comprehensive assessment and documentation of a sex offender's potential for self-harm or harm to others including: an assessment of risk, knowledge of involuntary treatment standards and procedures; the ability to intervene effectively to minimize risk; and the ability to implement prevention methods against self-harm and harm to others;

3. The range of individual, group, and family therapies using standard, Accepted models, and integration of these psychotherapies in multi-modal treatment, including biological and sociocultural interventions;

4. Human growth and sexual development, including normal and abnormal biological, cognitive, and psychosexual development;

5. Specific forms of psychotherapies including brief therapy, cognitive behavioral therapy, psychodynamic therapy, psychotherapy combined with psychopharmacology, and supportive therapy;

6. Somatic treatments, including pharmacotherapy, including the antidepressants, antipsychotics, anxiolytics, mood-stabilizers, hypnotics, and stimulants;

7. Emergency psychiatry, including suicide, crisis interventions, differential diagnoses in emergency situations, treatment methods in emergency situations, homicide, rape, child and domestic abuse, and other violent behavior;

8. Substance abuse, including pharmacological actions of substances of abuse, signs and symptoms of toxicity, signs and symptoms of withdrawal, management of toxicity and withdrawal, epidemiology, and prevention and treatment; and

9. The application of ethical principles in delivering medical care to sexual offenders as enunciated in the American Medical Association Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry.

(2) As a condition of biennial licensure renewal, a physician who evaluates or treats sex offenders as a "qualified practitioner," as defined in Section 947.005(9) or 948.001(6), F.S., must complete four (4) of the forty (40) hours of required continuing medical education in evaluation and treatment of sex offenders.

(3) Within three (3) years of the effective date of this rule, the physician must complete twenty (20) hours of continuing education in the evaluation and treatment of sex offenders.

(4) If a physician that meets the requirements set forth in subsections (1)(a) and (b) and can demonstrate that he or she has completed twenty (20) hours of training within his or her residency program that specifically addressed the evaluation and treatment of sex offenders, or has completed a one-year forensic psychiatric fellowship as approved by ACGME, the physician need not complete the coursework set forth in paragraph (1)(c).

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

**DEPARTMENT OF HEALTH****Board of Pharmacy**

RULE NO.: 64B16-26.601  
 RULE TITLE: Standards for Approval of Courses and Providers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 52, December 23, 2004, issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.301  
 RULE TITLE: Destruction of Controlled Substances – Class I Institutional Pharmacies – Nursing Homes

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005, issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.404  
 RULE TITLE: Regulation of Daily Operating Hours

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 3, January 21, 2005, issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.405  
 RULE TITLE: Remote Medication Order Processing for Community Pharmacies

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 3, January 21, 2005, issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: 69A-53.005, 69A-53.0051, 69A-53.0052, 69A-53.0053, 69A-53.0054  
 RULE TITLES: Purpose and Scope, Definitions, Fire Sprinkler Requirements for Nursing Homes, State Fire Marshal Nursing Home Loan Guarantee Program: Application Procedures, State Fire Marshal Nursing Home Loan Guarantee Program: Eligibility and Coordination of Construction with Loan Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 15, April 14, 2006, issue of the Florida Administrative Weekly.

PART II, State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program for Installation of Fire Protection Equipment.

69A-53.005 Purpose and Scope.

This part implements Sections 633.022(4), 633.024, and 633.0245, F.S. (2005), by providing procedures for owners of eligible nursing homes to participate in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program, a limited state guarantee program intended to mobilize private funding for the installation of required fire sprinkler systems in unprotected, eligible nursing homes within Florida.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History–New\_\_\_\_\_.

Rule 69A-53.0051 “Definitions” is changed as follows:

(1) “Eligible Nursing Home” means a facility that provides nursing services as defined in Chapter 464, F.S., is licensed under part II of Chapter 400, F.S., and is certified by the Agency for Health Care Administration to lack an installed fire protection system as defined in Section 633.021(9)(8), F.S.

(2) No change.

(3) “Participating qualified public depository” means a financial institution qualified as a public depository in this state which has entered into a limited loan guarantee agreement with the State Fire Marshal pursuant to Section 633.0245, F.S.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History–New\_\_\_\_\_.

Rule 69A-53.0052 “Fire Sprinkler Requirements for Nursing Homes” is changed as follows:

(1) Section 633.022(4), F.S., requires mandates that the owner of each eligible nursing home licensed under Part II of Chapter 400, F.S., be protected by an approved supervised automatic sprinkler system provide protection by the installation of a fire sprinkler system throughout the entire facility in accordance with Chapter Nine (9) of the National Fire Protection Association, Inc., Life Safety Code, Florida Edition of NFPA 101, the Life Safety Code, 2003 edition, adopted in Rule 69A-3.012, F.A.C. Florida Administrative Code, pursuant to the following schedule:

(a) Each hazardous area of ~~each~~ an eligible nursing home shall be protected by an approved, supervised automatic fire sprinkler system by no later than December 31, 2008.

(b) Each ~~eligible~~ nursing home, in its entirety, shall be protected by an approved, supervised automatic fire sprinkler system by no later than December 31, 2010.

(2) ~~The State Fire Marshal shall, within thirty days of the effective date of this rule, provide written notice to the owner of each eligible nursing home of the requirement for the installation of fire sprinklers pursuant to the schedule provided above. The notice shall include:~~

~~(a) The fire sprinkler requirements and the schedule for compliance as listed in this section.~~

~~(b) An application for approval of the system and for funding through the State Fire Marshal Nursing Home Loan Guarantee Program.~~

~~(2)(3) No change.~~

~~(3)(4) A request for extension under subsection (2)(3) must:~~

~~(a) Be received by the Division prior to the expiration of the deadline in question,~~

~~(b) Be accompanied by sufficient information and data to clearly establish the factual basis for the request, and~~

~~(c) Also establish the owner's ability to complete the project by the end of the extension period.~~

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New\_\_\_\_\_.

Rule 69A-53.0053 “State Fire Marshal Nursing Home Loan Guarantee Program: Application Procedures” is changed as follows.

69A-53.0053 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Application Procedures.

(1) An owner of an eligible nursing home who wishes to participate in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program must make application on Form DFS-K3-1659 (effective 1/3/06) which is hereby adopted and incorporated herein, and which may be obtained by contacting the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The application must be accompanied by the conceptual design documentation for the proposed fire sprinkler system as prepared by or on behalf of a person certified under Section 633.521, F.S.

(2)(a) Upon submission of an application for funding through the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program, the State Fire Marshal shall evaluate the proposed fire protection system and determine whether it complies with all applicable fire safety code provisions.

(b) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program must be received by the State Fire Marshal on or before June 30, 2006.

(3) through (8) No change.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New\_\_\_\_\_.

Rule 69A-53.0054 “State Fire Marshal Nursing Home Loan Guarantee Program: Eligibility and Coordination of Construction with Loan Requirements” is changed as follows:

69A-53.0054 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Eligibility and Coordination of Construction with Loan Requirements.

~~(1)(a) Within 30 days from the effective date of this rule, the Division of State Fire Marshal shall provide the names and addresses of all qualified public depositories in this state to each eligible nursing home.~~

~~(b) Upon receipt of a conditionally approved application from the State Fire Marshal, if the nursing home seeks to participate in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program, it shall present the loan application to a lender which is a participating qualified public depository. Approval of an individual loan with an individual nursing home owner is at the discretion of the participating qualified public depository/lender.~~

(2) Upon final approval of the loan by the participating qualified public depository/lender and of the fire protection system by the State Fire Marshal, a limited loan guarantee document will be presented to the participating qualified public depository/lender. The State's limited loan guarantee will provide for a guarantee of no more than 50 percent of the principal sum loaned by the participating qualified public depository/lender. The guarantee will not cover late fees, accelerated interest, or other charges assessed as a result of the default of the nursing home owner.

(3) As some installations may be complex and lengthy, a draw program may be required. In such a case, a draw schedule and retainage requirement will be established by the participating qualified public depository/lender.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New\_\_\_\_\_.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER06-61	Instant Game Number 669, EASY 8'S

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 669, “EASY 8's,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule