

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005 246, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) through (5) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-12.003 Applications for Licensure

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUBJECT AREA TO BE ADDRESSED: Applications for Licensure.

SPECIFIC AUTHORITY: 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments clarify policy regarding the treatment of paid medical expenses in the Medically Needy Program. This will benefit recipients by allowing the use of previously paid medical expenses as a deduction to meet their share of cost.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments will revise language to be consistent with federal requirements that allow a deduction of medical bills paid prior to the month of eligibility.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.918, 409.919 FS.

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

DATE AND TIME: July 25, 2007, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Cultural Affairs

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

PURPOSE AND EFFECT: The purpose of this amendment will be to change in rule policies for the Division’s grant programs and the Cultural Support Grant Program.

SUMMARY: The proposed rule adds that state-supported institutions cannot use state funds as match and are also not allowed to include overhead/indirect costs in the Grant Proposal Budget for any Division grant programs. It adds to the Cultural Support Grants Program that museums must be

open 180 days a year on a regular basis to be eligible to apply to any discipline, the maximum request amount for multidisciplinary museums submitting 2 applications, deletes the listing of Cultural Support Grants Program disciplines, and deletes REDI points.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with this proposed rule.

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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: Monday, July 23, 2007, 9:00 a.m.

PLACE: Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, 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 72 hours before the workshop/meeting by contacting: Division staff at (850)245-6356 or Text Telephone 711. 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: Sarah Stage or D. Scott Moore, Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, Florida 32301, (850)245-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

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

(1) through (4) No change.

(5)(a) through (e) 1. No change.

2. State-supported institutions may not include overhead or indirect costs in the Grant Proposal Budget.

3. State-supported institutions may not use state funds as match in the Grant Proposal Budget.

4.2. REDI Waiver. The Division will waive the cash matching requirements on Division project grants for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. This cash waiver is applicable only to the following project programs: Cultural Support Specific Project, Quarterly Assistance, Arts in Education, International Cultural Exchange, and Challenge. In lieu of cash match, the equivalent of total match must be instead shown in the proposal budget as in-kind match. To obtain a match waiver, the applicant must submit a letter from the local county government that acknowledges the grant application and requests the waiver; this letter must accompany the grant application. The list of REDI counties and communities is reviewed and updated annually and is available on the Division's website.

5.3. Grants awarded in the Challenge Grant Program, the Underserved Arts Communities Assistance Program, and the State Touring Program have match requirements specific to those programs.

(f) through (7)(a) No change.

1. General Program Support Funding. In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non-capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. ~~These categories include but are not limited to dance, folk arts, interdisciplinary, literature, media arts, multidisciplinary, museums, music, sponsor/presenter, theatre, visual arts, and discipline service.~~ For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state-supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full-time staff member, whose responsibilities are solely for the organization's services and operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. through c. No change.

2.a. through b. No change.

c. Organizations can only receive one General Program Support grant from the Division of Cultural Affairs and any division within the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The only exception to this limitation is for a multidisciplinary museum, which is defined as a museum that addresses two or

more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science. Multidisciplinary museums will be permitted to receive a total of two General Program Support grants from the Division of Cultural Affairs or any other division within the Department of State. A discipline-specific operating budget must be used for each application; multidisciplinary museums cannot use the same operating budget for both applications. Multidisciplinary museums that submit two General Program Support applications to the Cultural Support Grants Program may request a maximum of \$100,000 in the Cultural Organizations category and a maximum of \$350,000 in the Cultural Institutions category.

3. Museums applying to any discipline must have been open to the public on a regular schedule and must have been open for at least 180 days each year.

(b) No change.

~~1. Organizations conducting 50% or more of their proposed cultural project or programming in a financially underserved county, or REDI qualified community, will be awarded three (3) additional points to their Public Impact score, not to exceed thirty points. A financially underserved county is one that has received an average of less than \$10,000 in state cultural grant program funding in the last two state fiscal years preceding the deadline. REDI qualified means those counties or communities designated as of the application deadline pursuant to Sections 288.0656 and 288.06561, F.S.~~

1.2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for funding for Specific Project applications. The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be earned to receive funding for Cultural Organizations applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Cultural Institutions applications. General Program Support award amounts recommended to the Council will be determined through the use of a funding method formula for all applications achieving the minimum eligible category-specific score. All General Program Support applications earning an eligible category-specific average will receive funding under the funding method formula of not less than \$2,500. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75 and other criteria which include the overall group of eligible Specific Project applications, the relative merits of each proposal as demonstrated through scores based on the program review criteria, the anticipated funds available for the program, the perceived needs of the artistic or cultural discipline, the constituency served, and how well the proposed

project fulfills the mission of the Cultural Support Grants program. In determining award amounts for those proposals recommended for funding, the panel may not recommend funding of less than \$2,500.

~~2.3.~~ In addition to the basic eligibility requirements detailed in subsection (5), support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.

(8) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Stage
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF STATE

Division of Cultural Affairs

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

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule changes to the Arts in Education Grant Program. This amendment will simplify the program and will help build sustained arts education programs for students of all ages in many areas across Florida that currently have no arts education.

SUMMARY: The proposed rule describes these changes; deletes a category; creates a new category to serve REDI/Underserved areas; deletes bonus points; clarifies

review criteria, and deletes the multiple Artist Residency funding levels replacing those with minimum and maximum funding components.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with this proposed rule.

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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: Monday, July 23, 2007, 10:00 a.m.

PLACE: Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, 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 72 hours before the workshop/meeting by contacting: Division staff at (850)245-6356 or Text Telephone 711. 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: Laura L. Stone, Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida, (850)245-6475

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

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

- (1) through (11) No change.
- (12) No change.

(a) Eligibility and funding requests. All applicants must meet the basic eligibility requirements detailed in subsection (5). Eligible organizations may submit no more than one application to each funding category. Organizations receiving more than \$100,000 in General Program Support (Cultural Support Program) may submit only one application to the Arts in Education Program. There are three funding categories in

this program: Artist Residency, Arts Education Partnerships, and Rural Development Grant for REDI and Underserved Communities ~~School-Based Arts Education~~.

1. Artist Residency proposals may request up to \$10,000. Minimum request for funding will not be less than \$5,000. Artist Residency has two levels. Level I is a Short Term Residency where an organization may request from \$1,500 to \$5,000 for a residency of one to four weeks; Level II is a Long Term Residency where an organization may request up to \$10,000 for a residency of five weeks or longer.

2. No change.

3. Rural Development Grant for REDI and Underserved Communities is a 3 year development program. Only designated REDI or Rural and Underserved counties are eligible to apply. Planning Year (first year) will award grants of \$3,000. Pilot Year (second year) will award grants of \$5,000. Implementation Year (third year) will award grants of \$7,500. Cash match of 25% of the grant amount is required for the Implementation Year (third year). This category provides funding for three years only and will not be sustained by Division funding beyond year three. School-Based Arts Education proposals may request up to \$10,000.

(b) Review criteria, scoring, and funding recommendations. Complete applications will be evaluated by a multidisciplinary review panel according to the following program criteria: Goals and Outcomes (up to 30 points), Educational Excellence (up to 50 points), Quality of Project Activities and Excellence in the Arts (up to 30 points), Project Impact (up to 30 points), Public Participation (up to 10 points), Access (ADA compliance, up to 10 points), and Ability to Achieve Goals and Evaluate Success (up to 20 points) and Program Management (up to 20 points).

~~1. Applicant organizations conducting 50% or more of their proposed project in a REDI qualified community, or a rural or underserved county, will receive 5 bonus points added to the average panel score. For the purposes of this program, a rural county is one whose population is less than 100,000 or whose population density is less than 250 people per square mile, and an underserved county is one with no designated local arts agency or other means of acquiring arts education programming. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.~~

1.2. An average panel score of at least 80 points out of a maximum possible 100 points must be earned to be considered for funding in this program. Award amounts recommended to the Council will be determined by the review panel. Funding recommendations will be made in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 80. For those applications recommended for

funding, no award shall be less than ~~\$3,000~~, ~~\$1,500~~ except Level 1 Arts Education Partnerships mini-grants which shall not be recommended for less than \$2,500.

~~3. For this program, a complete application is that which is described in subsection (5) with two exceptions: only the completed fiscal year of Operating Results and Projections is required, and responses to all narrative questions must be included.~~

(13) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura L. Stone

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-3.001	Introduction
12D-3.003	Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation

PURPOSE AND EFFECT: The purpose of the amendments to Rules 12D-3.001 and 12D-3.003, F.A.C., is to implement the provisions of Chapter 2006-312, Laws of Florida, which repeals the annual intangible personal property tax and retains all applicable collection, administration and enforcement provisions under Chapter 199 of the 2005 Florida Statutes to taxation of interests of non-governmental lessees in governmental property as intangible personal property.

SUMMARY: The amendment to Rule 12D-3.001, F.A.C., provides that the collection, administration and enforcement provisions under Chapter 199 of the 2005 Florida Statutes apply to leasehold interests taxed as intangibles under Section 196.199(2)(b), Florida Statutes. The amendment to Rule 12D-3.003, F.A.C., incorporates the 2005 Florida Statutes as the applicable law implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-3.001 Introduction.

These rules are adopted to implement the provisions of Section 196.199, Florida Statutes, relating to taxation of interests of non-governmental lessees in property owned by governmental units. All applicable collection, administration and enforcement provisions of Chapter 199, Florida Statutes 2005, shall apply to those leasehold interests taxed as intangibles pursuant to Section 196.199(2)(b), Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023 (2005), 199.032 (2005), 213.05 FS. History--New 12- 31-80, Formerly 12D-3.01, Amended_____.

12D-3.003 Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation.

(1) through (2) No change.

(3) Interests described in subsection 12D-3.002(4), F.A.C., upon which rental payments are due, pursuant to the agreement creating said interest, shall be taxed as intangible personal property pursuant to Section 199.032(1), Florida Statutes 2005.

Nominal payments shall be deemed rental payments for purposes of determining the method of taxation but not for determining valuation of the interest.

(4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023 (2005), 199.032 (2005), 213.05 FS. History--New 12-31-80, Formerly 12D-3.03, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5502. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-7.003	Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans
12D-7.013	Homestead Exemptions – Abandonment

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to clarify the cumulative ad valorem property tax disability exemption amounts for qualifying individuals.

The purpose of the proposed amendment to Rule 12D-7.013, F.A.C., is to remove an obsolete provision, which will achieve consistency with current law on the assessment of property used both as a homestead and as a business, and to implement the provisions of Chapter 2006-311, Laws of Florida, which provides that homestead property is not considered abandoned where the property is uninhabitable due to damage or destruction resulting from misfortune or calamity and the repair or reconstruction of the property commences within 3 years after January 1 of the year following damage or destruction.

SUMMARY: The amendment to Rule 12D-7.003, F.A.C., provides the total exemption amount for a surviving spouse of a deceased veteran who claims the \$5,000 disabled ex-service member exemption.

The amendment to Rule 12D-7.013, F.A.C., removes the obsolete term “business house” and obsolete language using that term in relation to property used both as a homestead and as a place of business. The amendment also provides that homestead property that is uninhabitable due to damage or destruction from misfortune or calamity is not considered abandoned where the property owner notifies the property appraiser of the intention to repair the property and the repair commences within 3 years after the January 1 following the year of the damage or destruction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.001, 196.031, 196.041, 196.061, 196.071, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

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

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

(b) The exemptions under sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual, except where the surviving spouse is also eligible to claim the \$5,000 disabled ex-service member disability exemption under Section 196.24, F.S. In that event the cumulative exemption shall not exceed \$11,000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History--New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, 1-16-06,_____.

12D-7.013 Homestead Exemptions – Abandonment.

(1) through (4) No change.

(5) Property used as a residence and also used by the owner as a place of business does not lose its homestead character.

~~(a) The head of the family occupying the second story of a building as his home and the first story of the building as his business house is entitled to claim homestead exemption on the building, except that portion not used by him either as his business house or as his home. Any portion of the property not used as his business house may not be exempted as a homestead. In other words, if any portion of the first floor or second floor of the building is rented to another party and used by the other party for other purposes, it would not be within the exemption provided for under Article VII of the State Constitution. (Smith v. Guckenheimer, 27 So. 900 (Fla. 1900).~~

~~(b) The two uses should be separated with that portion used as a residence and business house being granted the exemption and the remainder being taxed.~~

(6) Homestead property that is uninhabitable due to damage or destruction by misfortune or calamity shall not be considered abandoned in accordance with the provisions of Section 196.031(7), F.S., where:

(a) The property owner notifies the property appraiser of his or her intent to repair or rebuild the property.

(b) The property owner notifies the property appraisers of his or her intent to occupy the property after the property is repaired or rebuilt.

(c) The property owner does not claim homestead exemption elsewhere, and

(d) The property owner commences the repair or rebuilding of the property within three (3) years after January 1 following the damage or destruction to the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.041, 196.061, 196.071, 213.05 FS. History--New 10-12-76, Formerly 12D-7.13, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, pp. 5502-5503. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-8.0061	Assessments; Homestead Property Assessments at Just Value
12D-8.011	Uniform Standards for Computer Operations: Minimum Data Requirements

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0061, F.A.C., is to implement the provisions of Chapter 2006-38, Laws of Florida, providing that a change of ownership to homestead property does not occur where the transfer instrument meets certain criteria.

The purpose of the amendment to Rule 12D-8.011, F.A.C., is to update coding and exemption values for data files maintained by property appraisers.

SUMMARY: The amendment to Rule 12D-8.0061, F.A.C., provides that a change in ownership of homestead property does not occur if the transfer document lists the owner as both the grantor and grantee and names additional individual(s) as a grantee. A change in ownership occurs if an additional named grantee applies for homestead exemption on the property. The amendment to Rule 12D-8.011, F.A.C., provides the additional data coding and updated exemption values associated with homestead exemption codes that property appraisers use in their data processing files.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.011, 193.023, 193.155, 192.042, 193.1551, 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopps@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0061 Assessments; Homestead Property Assessments at Just Value.

(1) No change.

(2) Real property shall be assessed at just value as of January 1 of the year following any change of ownership. If the change of ownership occurs on January 1, subsection (1) shall apply. For purposes of this section, a change of ownership includes any transfer of homestead property receiving the exemption, but does not include any of the following:

(a) Any transfer in which the person who receives homestead exemption is the same person who was entitled to receive homestead exemption on that property before the transfer, and

1. The transfer is to correct an error; ~~or~~

2. The transfer is between legal and equitable title; or

3. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, a change of ownership occurs if any additional individual named as grantee applies for a homestead exemption on the property.

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage, provided that the transferee applies for the exemption and is otherwise entitled to the exemption;

(c) The transfer, upon the death of the owner, is between owner and a legal or natural dependent who permanently resides on the property; or

(d) The transfer occurs by operation of law under Section 732.4015, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 213.05 FS. History--New 12-27-94, Amended _____.

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o)1. Exemption type. A code indicating the type of exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes)

B – Blind (Section 196.202, Florida Statutes)

C – Charitable, Religious, Scientific or Literary (Sections 196.196, 196.1987, Florida Statutes)

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes)

E – Economic Development (Section 196.1995, Florida Statutes)

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida Statutes)

H –Historic Property (Section 196.1997, Florida Statutes)

I – Historic Property Open to the Public (Section 196.1998, Florida Statutes)

L –Labor Organization (Section 196.1985, Florida Statutes)

M – Homes for the Aged (Section 196.1975, Florida Statutes)

N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)

O – Widowers (Section 196.202, Florida Statutes)

P – Totally and Permanently Disabled (section 196.202, Florida Statutes)

Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)

R – Renewable Energy Source (Section 196.175, Florida Statutes)

- S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)
- T – Community Centers (Section 196.1986, Florida Statutes)
- U – Educational Property (Section 196.198, Florida Statutes)
- V – Disabled Veteran/Spouse (Section 196.24, Florida Statutes)
- W – Widows (Section 196.202, Florida Statutes)
- X – Homestead Exemption (Section 196.031, Florida Statutes)
- Y – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Disabled Veteran/Spouse, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)
- Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)
 - 1 – Licensed Child Care Facility Operating in Enterprise Zone (Section 196.095, Florida Statutes)
 - 2 – Historic Property Used for Certain Commercial or Nonprofit Purposes (Section 196.1961, Florida Statutes)
 - 3 – Proprietary Continuing Care Facilities (Section 196.1977, Florida Statutes)
 - 4 – Affordable Housing Property (Section 196.1978, Florida Statutes)
 - 5 – Charter School (Section 196.1983, Florida Statutes)
 - 6 – Public Property Used under License or Lease Agreement Entered into Prior to January 1, 1969 (Section 196.1993, Florida Statutes)
 - 7 – Space Laboratories and Carriers (Section 196.1994, Florida Statutes)
 - 8 – Water and Wastewater Systems Not-for-Profit (Section 196.2002, Florida Statutes)

9 – Contiguous multiple parcels with a single homestead exemption or single parcels with multiple homestead exemptions

2. Personal exemption codes shall be “0” (zero) indicating the exemption does not apply or the applicable code provided in this rule subsection indicating an exemption does apply. Five of six personal exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	\$500	W/O
Blind	\$500	B
Disabled	\$500	P
Veteran Disabled/ <u>Spouse</u>	<u>\$10,000</u> 5000	V
Disabled (100 percent Exempt)		D

An individual who qualified for the \$25,000 exemption may also be entitled to the \$500 exemption of section 3(b), Art. VII, State Const. (for widows, widowers, or blind or totally and permanently disabled persons) and Section 196.202, Florida

Statutes, and/or the \$5000 exemption under Section 196.24, Florida Statutes (disabled veterans/spouse). In no event shall the aggregate exemption exceed \$26,500 (see subsection 12D-7.003(2), F.A.C.); for individuals exempt under Section 196.202, Florida Statutes, or \$36,000 (see subsection 12D-7.003(2), F.A.C.) ~~\$31,000~~ for individuals exempt under Section 196.24, Florida Statutes, except for total exemptions under Section 196.081, 196.091, or 196.101, Florida Statutes.

(p) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS. History–New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, 12-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5503-5506. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:	RULE TITLE:
12D-13.031	Homestead Tax Deferral – Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.031, F.A.C., is to implement the provisions of Chapters 2006-47 and 2006-69, Laws of Florida, providing for revised age and income requirements on deferred taxes.

SUMMARY: The amendment to Rule 12D-13.031, F.A.C., revises the deferred tax age requirement from 70 to 65 years and provides that the income limitation for deferred taxes is the same limitation as for household income provided in s. 196.075, F.S., for the additional homestead exemption for persons age 65 and older.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.022, 195.027(1), 213.06(1) FS.
LAW IMPLEMENTED: 197.243, 197.252, 197.253, 197.3632, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. 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: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-13.031 Homestead Tax Deferral – Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage.

- (1) No change.
- (2) When the application is approved, the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:
 - (a) Which exceeds five percent of the applicant's household income for the prior calendar year, or
 - (b) In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or
 - (c) If the applicant is entitled to claim the increased exemption by reason of age and residency as provided in Section 196.031(3)(a), F.S., the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:
 - 1. Which exceeds three percent of the applicant's household income for the prior calendar year, or
 - 2. In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or

3. In their entirety if the applicant is ~~65~~ 70 years of age or older and the applicant's household income is less than the household income designated for the additional homestead exemption for persons age 65 and older as provided in Section 196.075, F.S. 12,000 dollars,

(3) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.243, 197.252, 197.253, 197.3632, 213.05 FS. History—New 6-18-85, Formerly 12D-13.31, Amended 12-13-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 11, 2006, Vol. 32, No. 47, pp. 5507-5508. A rule development workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-16.002
RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms revisions under Chapters 2006-47, 2006-69, 2006-220, Laws of Florida, and implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards and the general public.

SUMMARY: The amendment to Rule 12D-16.002, F.A.C., incorporates 2006 legislative changes and other technical changes to ad valorem property tax forms prescribed by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: Friday July 20, 2007, 9:30 a.m.
 PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/06 12/05)	____ 12/05
(3) through (33)(a)	No change.	
(b) DR-499AR	Removal of Agricultural or High-Water Recharge Classification of Lands (r. 12/06 12/96)	____ 12/96

(c) through (37)	No change.	
(38)(a) DR-501	Original Application for Ad Valorem Tax Exemption (r. 12/06 12/02)	____ 1/03
(b) through (42)(a)	No change.	
(b) DR-506E	Escheatment Tax Deed (r. 12/06 12/04)	____ 12/04
(43) through (55)	No change.	
(56)(a) DR-570	Application for Homestead Tax Deferral (r. 7/06 6/04)	____ 12/01
(b) DR-570WF	Application for Recreational and Commercial Working Waterfronts Tax Deferral (r. 7/06 12/05)	____ 1/06
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, pp. 5509-5510. A workshop was held on December 7, 2006. No comments were received during the workshop.

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

Medicaid

RULE NO.: 59G-4.140
 RULE TITLE: Hospice Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update removes the January 2006 fee schedule for direct care services provided by physicians. The January 2007 fee schedule is being incorporated by reference in Rule 59G-4.002, F.A.C., Medicaid Provider Reimbursement Schedule. The handbook update also corrects the room and board policy to read that room and board for hospice residents in a nursing facility does not include the day of discharge. It also clarifies that if a hospice has no cost history, the hospice will be paid 95 percent of the average Medicaid nursing facility per diem rate in the county in which the hospice is located. The effect will be to incorporate by reference into rule Update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The effect will be to incorporate by reference into rule Update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: Monday, July 23, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Clifton, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8015, cliftonj@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.
 (1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, ~~and~~ January 2006, and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05, 8-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Clifton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.700
 RULE TITLE: Low-Performing Provider; Voluntary Prekindergarten Improvement Plan and Implementation.

PURPOSE AND EFFECT: To adopt rules to establish procedures for the Voluntary Prekindergarten Improvement Plan Process for low performing providers Sections 1002.67(3)(c)1. and 1002.75(3)(a), F.S.

SUMMARY: The proposed rules seek to establish procedures for the Voluntary Prekindergarten Improvement Plan Process for low performing providers in accordance with Sections 1002.67(3)(c)1. and 1002.75(3)(a), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: Chapter 120, 1002.79 (2) FS.

LAWS IMPLEMENTED: 1002.67(3)(c)1., 1002.75(3)(a) 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: July 20, 2007, 1:30 p.m. – 3:30 p.m. or until close of business

PLACE: Hyatt Regency Hotel, 211 North Tampa Street, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-8.700 Low-Performing Provider: Voluntary Prekindergarten Improvement Plan and Implementation.

(1) A VPK provider required to submit an improvement plan under Section 1002.67(3)(c)1., F.S., must submit its plan to the early learning coalition or school district, as applicable, in accordance with this Rule. Prior to submitting a plan, a VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. An improvement plan must include the following:

(a) Needs Assessment. An improvement plan must include a needs assessment, administered within the last year, of the provider's VPK program. If a needs assessment has not been administered within the last year, then a needs assessment must be part of the improvement plan. A needs assessment should include the use of an assessment instrument that assesses the following areas of the provider's program:

1. Administrative and management practices, including training, educational level, and retention or turnover of prekindergarten instructors;

2. Developmentally appropriate curricula;

3. Classroom learning environment;

4. Classroom instructional practices;

5. Child developmental screenings and assessments;

6. Social-emotional interactions among prekindergarten instructors and children; and

7. Family involvement in the early childhood program.

(b) Improvement Strategies and Implementation Schedule. An improvement plan must describe strategies for the improvement of the VPK provider's VPK program and an implementation schedule that includes the following:

1. A list of targeted areas for the VPK provider's improvement based on the needs assessment conducted under subsection (1)(a) and any additional areas a provider deems important to its improvement;

2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement in at least two of the targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider must submit its improvement plan as required in subsection (4) to the early learning coalition or school district, as applicable, within 30 days after acknowledging the VPK provider's designation as a low-performing provider under subsection (1).

(b) A coalition shall approve a private provider's improvement plan, and a school district shall approve a public school's improvement plan, within 10 business days, if the plan is complete and submitted in accordance with this rule. If the improvement plan is incomplete or insufficient, it will be returned to the VPK provider with instructions for revision. An amended plan must be submitted within 30 days.

(c) A VPK provider required to submit an improvement plan may not begin instruction for a new VPK class or program until the coalition or school district, as applicable, notifies the provider that the improvement plan has been approved.

(d) A VPK provider must provide a copy of an improvement plan upon request.

(3) Implementation of Improvement Plan.

(a) A VPK provider with an approved improvement plan must submit periodic reports on the VPK provider's progress in implementing the plan to the early learning coalition or school district, as applicable, as required in subsection (4). The Agency for Workforce Innovation Office of Early Learning determines the timelines for the periodic reports.

(b) A VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate.

(4) Electronic Submission of Improvement Plan; Alternative Submission Methods.

(a) Except as provided in paragraph (b), a private provider or public school must acknowledge its designation as a low-performing provider, submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A private provider not able to submit the required information electronically may, upon request, submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)1., 1002.75(3)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kelley Cramer, Senior Attorney, 107 East Madison Street,
 MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rosa McNaughton, General
 Counsel, 107 East Madison Street, MSC 110, Tallahassee,
 Florida 32399-4128, (850)245-7150
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 15, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-5.006 Elevator Fees; Construction and
 Alteration Permits; Annual
 Certificates of Operation;
 Delinquency Fee; Transfer of
 Ownership; Certificate
 Replacement

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to clarify application for permit to alter and permit extension requirements; clarify certificate of operation license application requirements; adopt a single fee for certificate of operation licenses, beginning March 1, 2008; specify transfer of ownership notification requirements; add phone, e-mail, and fax contact as a method to request certificate replacement; add specific information required to process duplicate certificate requests; remove specific replacement certificate requirements; create consistency between the rule language and statutes; and remove the fee for temporary operation permits.

SUMMARY: This rule amendment addresses application for permit to alter and permit extension requirements; fee and documentation requirements for certificate of operation licenses; transfer of ownership notification requirements; replacement certificate requests and requirements; creates consistency between the rule language and statutes; and removes the fee for temporary operation permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 399.03(2), 399.07(1), 399.10 FS.

LAW IMPLEMENTED: 399.03, 399.07, 399.061 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: Doug Melvin, Deputy Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; ~~Transfer of Ownership; Temporary Operation Permits~~ Certificate Replacement.

(1) Application for ~~elevator~~ permit to install erect or relocate an elevator ~~move~~ shall be accompanied by a fee of \$250 and an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application. The appropriate certificate of operation fee specified in paragraph 61C-5.006(4)(a), Florida Administrative Code, may be submitted with the application for permit to install or relocate an elevator. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months ~~1 year~~ after issuance, or ~~or~~ if the work authorized by such permit is suspended or abandoned for a period of 60 days ~~1 year~~ after the time the work is commenced, ~~provided that,~~ for good cause, one or more extensions of time, for periods not exceeding 90 days each may be allowed. Such extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants or his designee. The following grounds for extension shall constitute good cause for the granting of an extension:

(a) An extension of time for good cause shall be granted due to delays in construction, ~~including delay~~ arising from the non-availability of parts necessary to complete construction; the occurrence of a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other hardship as approved by the director; ~~except when the director or his designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.~~

~~(b) An extension of time shall be granted due to delays caused by the injury, illness or death of an involved material party to the construction.~~

~~(b)(c) Extensions will not be granted when the director determines that the delay is the fault of the contractor or applicant; the delay results from failing to diligently pursue construction; or The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's own negligence and the necessity for the extension would have been avoided by the party's exercise of due diligence.~~

(2) Application for ~~elevator~~ permit to alter an elevator shall be accompanied by a fee of \$200; an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application; and a list of the alterations to be performed under the permit.

(3) The license annual renewal period of certificates of operation commences on August 1 of each year. A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section, All certificates of operation will expire on July 31, at 11:59 p.m. of each year. Applications and fee payments for renewal of certificates of operation not postmarked or received before paid by August 1 of each year will be deemed delinquent. The following items are required for renewal and must be received by the Bureau of Elevator Safety prior to issuance of a renewal certificate of operation:

(a) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), Florida Statutes, shall submit proof of a current satisfactory inspection or a notarized statement to the presence of a current service maintenance contract as defined in Section 399.01(10), Florida Statutes, which is in compliance with Rule 61C-5.013, Florida Administrative Code. The statement shall include the parties to the contract; the beginning and ending dates of the contract; and the date of the most recent routine examination. The length of the service maintenance contract shall equal or exceed the license renewal period;

(c) The license renewal fee; and

(d) A delinquent certificate of operation renewal application must be accompanied by a delinquency fee of \$50 in addition to the license renewal fee.

TYPE OF INSTALLATION	CLASS	TYPE OF INSTALLATION	CLASS
Traction Passenger	01	LU/LA (Limited Use/Limited Application)	09
Hydraulic Passenger	02	Dumbwaiter	10
Traction Freight	03	Escalator	12
Hydraulic Freight	04	Sidewalk Elevator	14
Hand Power Passenger	05	Material Lift/Dumbwaiter with Automatic Transfer Device	15
Hand Power Freight	06	Special Purpose Personnel Elevator	16
Moving Walk	07	Inclined Stairway Chairlift	17
Inclined Lift	08	Inclined & Vertical Wheelchair Lift	18

(e) Fee for Temporary Operating Permits — \$100. The permit shall be issued for a period not to exceed 30 days.

(5) Certificate of operation renewal is the responsibility of the elevator owner or lessee, when owner responsibilities are specifically assigned by lease. It is the responsibility of the current owner to notify the division in writing within 30 days after transfer of ownership or lease assignment. A new

(4)(a) Until March 1, 2008, Annual certificate of operation fees for elevators are based on whether or not a service maintenance contract to ensure insure safe elevator operation is consistently in force. In addition, and the fee shall be based on the following schedules:

1.(a) Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

NUMBER OF LANDINGS	FEE UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Elevators serving 0 – 2 landings	\$32	\$72
Elevators serving 3 – 5 landings	\$36	\$77
Elevators serving 6 – 10 landings	\$41	\$81
Elevators serving 11 – 15 landings	\$45	\$86
Elevators serving over 15 landings	\$45	\$90

2.(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION	FEE UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Special purpose Elevators, Manlifts, Moving Walks	\$45	\$90

(b) Beginning March 1, 2008, certificate of operation fees will no longer be based on the existence of a service maintenance contract or the number of landings. The certificate of operation fee shall be \$75 for each type of installation and class as follows:

certificate of operation will be issued to the new owner or lessee upon receipt of notification. No fee will be charged for processing a transfer of ownership or lease assignment.

(6)(5) Replacement of a mutilated or lost certificate of operation shall be provided to the owner when a request is submitted to the division requested in writing to the division. Such requests must include the elevator serial number, business name and address, and a contact name and phone number. Requests for a replacement certificate of operation

may be submitted by phone, e-mail, fax, or in writing to the division. ~~Such replacement certificates shall have the word "DUPLICATE" stamped in large letters across the face and bear the same serial number as the original.~~

~~(7)(6)~~ THESE FEES ARE NONREFUNDABLE.

Specific Authority ~~399.02, 399.03, 399.07(1) 399.07(1)(d), 399.07(2)(d), 399.10~~ FS. Law Implemented ~~399.03, 399.061, 399.07 399.07(1)(d), 399.07(2)(d)~~ FS. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill L. Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-3.001 RULE TITLE: Fees
 PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of the rule to incorporate all fees for Chapter 61G2-3, F.A.C., into one rule.

SUMMARY: The promulgation and adoption of the rule will incorporate all fees for Chapter 61G2-3, F.A.C., into one rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), (11), 468.386(1), 468.387, as amended by S. 7, Ch. 87-210, Laws of Florida, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.001 Fees.

(1) Application fees. The application fee for those applying for an auctioneer license through examination is \$50; for an auctioneer license by endorsement or reciprocity \$75; for an apprentice license \$50; and for an auction business license \$50.

(2) Examination fees.

(a) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.

(b) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable the Department plus \$9.00 payable to the testing service.

(3) Initial licensure fees. The initial licensure fee for an auctioneer is \$150; an apprentice \$150; and for an auction business \$150.

(4) Unlicensed activities, fees, dispositions. Each license shall pay, in addition to all other fees, a special fee of \$5.00 upon each initial license, and renewal thereof, to fund efforts to combat the unlicensed practice of auctioneering.

(5) Renewal fees. The fee for biennial renewal of an auctioneer's license is \$150; an auction business license \$150; and an inactive auctioneer license is \$150.

(6) Reactivation fees. The fee for reactivating is \$50.

(7) Examination review fee. The fee for review of an applicant's auctioneer examination questions, answers, paper, grades, and grading key, or any portion thereof is \$50.

(8) Duplicate license fee. The fee for a duplicate copy of a previously issued license shall be \$25.

(9) Auctioneer Recovery Fund surcharge. At the time of licensure or renewal of either an active or inactive status, under Section 468.385, 468.3851 or 468.3852, Florida Statutes, each license shall pay a surcharge fee of \$100 which shall be deposited into the Auctioneer Recovery Fund.

(10) Change of Status fee. The change of status fee is \$50.00.

(11) Delinquent fee. A delinquent status licensee shall pay a delinquency fee of \$100.00, when the licensee applies for active or inactive status.

Specific Authority 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS. Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), (11), 468.386(1), 468.387, as amended by s. 7, Ch. 87-210, Laws of Florida., 468.393(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Auctioneers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Auctioneers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 4, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 1, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Auctioneers

RULE NOS.:	RULE TITLES:
61G2-3.002	Application Fees
61G2-3.003	Examination Fees
61G2-3.004	Initial Licensure Fees
61G2-3.0041	Unlicensed Activities, Fees, Disposition
61G2-3.005	Renewal Fees
61G2-3.006	Reactivation Fee
61G2-3.007	Examination Review Fee
61G2-3.008	Duplicate License Fee
61G2-3.010	Auctioneer Recovery Fund Surcharge
61G2-3.011	Change of Status Fee
61G2-3.012	Delinquent Fee

PURPOSE AND EFFECT: The Board proposes the repeal of the separate fees rules for Chapter 61G2-3, F.A.C., as they are incorporated under one new rule.

SUMMARY: The rules repeal for the separate fees rule will allow the rules to be incorporated under one rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), (11), 468.386(1), 468.387, as amended by S. 7, Ch. 87-210, Laws of Florida, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULES IS:

61G2-3.002 Application Fees.
~~The application fee for those applying for an auctioneer license through examination is \$50; for an auctioneer license by endorsement or reciprocity \$75; for an apprentice license \$50; and for an auction business license \$50.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385, 468.387 FS., as amended by s. 7, Ch. 87-210, Laws of Florida. History–New 5-4-87, Amended 10-19-87, Formerly 21BB-3.002, Repealed _____.

61G2-3.003 Examination Fees.

~~(1) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.~~

~~(2) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.~~

Specific Authority 468.386(1) FS. Law Implemented 455.2171, 468.385(4) FS. History–New 5-4-87, Amended 9-13-88, Formerly 21BB-3.003, Amended 5-3-99, 4-26-04, Repealed _____.

61G2-3.004 Initial Licensure Fees.

~~The initial licensure fee for an auctioneer is \$150; an apprentice \$150; and for an auction business \$150. However, persons or businesses granted initial licenses in the second year of the biennium shall pay one half of the initial license fees.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385(2), (6), (7) FS. History–New 5-4-87, Amended 5-7-90, Formerly 21BB-3.004, Amended 5-21-96, Repealed _____.

61G2-3.0041 Unlicensed Activities, Fees, Disposition.

~~Each licensee shall pay, in addition to all other fees, a special fee of \$5.00 upon each initial license, and renewal thereof, to fund efforts to combat the unlicensed practice of auctioneering.~~

Specific Authority 455.2281, 468.384(2) FS. Law Implemented 455.2281 FS. History–New 4-17-94, Repealed _____.

61G2-3.005 Renewal Fees.

~~The fee for biennial renewal of an auctioneer’s license is \$150; an apprentice license \$150; an auction business license \$150; and an inactive auctioneer license is \$150.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385(11) FS. History–New 5-4-87, Formerly 21BB-3.005, Amended 10-15-95, 5-21-96, Repealed _____.

61G2-3.006 Reactivation Fee.

~~The fee for reactivating is \$50.~~

Specific Authority 468.384(2), 468.386(1) FS. Law Implemented 468.386(1) FS. History–New 10-19-87, Formerly 21BB-3.006. Amended 1-6-98, Repealed.

61G2-3.007 Examination Review Fee.

~~The fee for review of an applicant’s auctioneer examination questions, answers, paper, grades, and grading key, or any portion thereof is \$50.~~

Specific Authority 468.386(1) FS. Law Implemented 455.217(2) FS. History–New 5-7-90, Formerly 21BB-3.007, Repealed.

61G2-3.008 Duplicate License Fee.

~~The fee for a duplicate copy of a previously issued license shall be \$25.~~

Specific Authority 468.384(2), 468.386(1) FS. Law Implemented 455.219(6), 468.386(1) FS. History–New 12-3-90, Formerly 21BB-3.008, Amended 1-6-98, Repealed.

61G2-3.010 Auctioneer Recovery Fund Surcharge.

~~At the time of licensure or renewal of either an active or inactive status, under Section 468.385, 468.3851 or 468.3852, Florida Statutes, each licensee shall pay, a surcharge fee of \$100 which shall be deposited into the Auctioneer Recovery Fund.~~

Specific Authority 468.386(1), 468.393(1), 468.384(2) FS. Law Implemented 468.393(1) FS. History–New 1-28-92, Formerly 21BB-3.010, Amended 9-25-95, 1-6-98, Repealed.

61G2-3.011 Change of Status Fee.

~~The change of status fee is \$50.00.~~

Specific Authority 468.384(2), 468.386(1), 455.271 FS. Law Implemented 455.271 FS. History–New 8-14-95, Amended 1-6-98, Repealed.

61G2-3.012 Delinquent Fee.

~~A delinquent status licensee shall pay a delinquency fee of \$100.00, when the licensee applies for active or inactive status.~~

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History–New 9-25-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: RULE TITLE:

61G14-15.003 Safety Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning safety guidelines.

SUMMARY: Safety guidelines will be clarified in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 310.0015(3)(a), 310.075(4), 310.101(1)(d) 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:

61G14-15.003 Safety Guidelines.

As used in this rule, “pilot” shall mean both a state licensed pilot and a state certified deputy pilot.

(1) through (3) No change.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the Board for its review and approval or rejection, the ~~current~~ normal maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each channel, as required by Sections 310.075(4) and 310.101(1)(d), F.S.

~~(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by Section 310.061, F.S., each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit, for the board’s review and approval or rejection, the current pilot work schedules for the port which are best suited to meet local conditions and demands and which:~~

~~(a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot; and~~

~~(b) Provide sufficient off-duty time for rest; and~~

~~(c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.~~

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History–New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99, 1-7-02, 5-11-03,_____.

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: May 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

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

RULE NOS.:	RULE TITLES:
63D-7.001	Purpose and Scope
63D-7.002	Definitions
63D-7.003	Transition Planning While the Youth is in a Residential Commitment Facility
63D-7.004	Pre-Release Notification
63D-7.005	Post-Residential Supervision
63D-7.006	Admission to Post-Residential Supervision Program
63D-7.007	Managing Supervision and Designing Intervention Through the YES Plan.
63D-7.008	Violations
63D-7.009	Termination of Services

PURPOSE AND EFFECT: To implement provisions in Sections 985.46 and 985.435, F.S., governing post-residential supervision of youth upon release from a residential commitment facility.

SUMMARY: The rule establishes standards and procedures for the provision of services, sanctions and case management for youth leaving residential facilities and returning to the community. This includes the planning phase while the youth is in the commitment facility, the phase immediately prior to release, and the period of active supervision after the youth

returns to the community. The rule is applicable to all categories of post-residential supervision services, including conditional release and post-commitment probation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 985.46, 985.435, 985.64 FS.

LAW IMPLEMENTED: 985.46, 985.435 FS.

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

DATE AND TIME: Tuesday, July 24, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Room 312, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63D-7.001 Purpose and Scope.

This rule establishes the standards and procedures for the provision of services, sanctions and case management for youth leaving residential facilities to return to the community. This includes the planning phase while the youth is in the commitment facility, the phase immediately prior to release, and the phase of active supervision while the youth is back in his or her community until termination of supervision. This rule is applicable to all categories of post residential supervision services, including conditional release and post-commitment probation. Post-commitment probation is a form of probation supervision, and is therefore also governed by Rule Chapter 63D-5, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

(1) Affidavit for Order to Take Into Custody – As incorporated in Rule 63D-5.002, F.A.C.

(2) Affidavit/Petition for Violation of Probation – As incorporated in Rule 63D-5.002, F.A.C.

(3) Commitment Conference – A commitment conference is conducted to develop the department’s recommendation to the court for youth who may be appropriate for residential

placement. If the conference results in a commitment recommendation, the level of restriction and appropriate services are included in the recommendation.

(4) Community-Based Supervision Services – A community treatment option in which the youth is supervised outside a campus setting in the community by staff of an agency contracted to provide deliverables such as supervision, family counseling, service referrals and skill training based upon an individualized assessment of the youth’s risks and needs.

(5) Conditional Release – The assessments, services, help and supervision provided to families and to youth who are released from residential commitment programs. Under the legal status of conditional release the youth remains on commitment status subject to transfer through the department’s process governing transfers.

(6) Contracted Case Manager – The department is authorized by statute to contract with public and private agencies in order to carry out the purposes of the responsibilities of the department established in statute.

(7) Criminogenic needs/risk factors – Research in the area of juvenile delinquency has documented critical factors in predicting future criminal behavior. The PACT recognizes these factors and classifies them into critical domain areas known to influence criminal behavior. The JPO and JPO supervisor use this data to measure the individual risk posed by each youth and to design a plan most responsive to reducing the level of risk posed by each factor.

(8) Direct Discharge – Discharge from the residential commitment facility under certain conditions without any requirements for community supervision by the department.

(9) Discharge Summary – A Performance Summary completed at the time a youth is discharged from a residential facility.

(10) Facility-Based Day Treatment Services – A community treatment option in which the youth can attend school or receive services or both, based upon an individualized assessment of the youth’s risks and needs, on a non-residential campus setting obtained from a contracted provider.

(11) Health Discharge Summary – This is a Health Services form to be used to inform parents, JPOs and aftercare providers of medical issues that will need to be addressed upon the release of the child from a program. Information includes: allergies, medications youth is receiving at the time of discharge, current medical or mental health alerts and any special health related needs or instructions. The Health Discharge Summary Form HS 012 (October 2006) is incorporated, and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(12) Independent Living – A service provided to assist older adolescents, who lack sufficient family resources, to help make the transition to adulthood. The program encourages

teens to actively engage in the adult living preparation process. A youth participates in several assessments (including a career assessment) and helps with the development of a plan to support independent living as an adult when independent living program support ends. Each assessment and plan is updated regularly to monitor progress and ensure a teen’s adult preparation needs are met. It also provides a place to reside for older youth who have no family home that is sufficiently safe to help the youth make a crime free adaptation to adult responsibility and self-sufficiency.

(13) Involuntary Civil Commitment of Sexually Violent Predators – Refers to Sections 394.910-.932, F.S., that sets forth the process that determines if individuals whose offense(s) have been of a sexual nature meet the statutory criteria for civil commitment to the Department of Children and Family Services.

(14) Juvenile Probation Officer (JPO) – The Juvenile Probation Officer (JPO) serves as the primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision. In this chapter whenever a reference is made to the tasks and duties of a JPO it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

(15) Juvenile Probation Officer Supervisor (JPOS) – A Juvenile Probation Officer Supervisor (JPOS) provides first line oversight and management of the JPOs in the unit. The JPOS is responsible for overall direction and guidance of the services provided by the JPO including but not limited to reviewing the progress of cases, documenting compliance with law and court orders, and approving the development of and revisions to YES plans. In this chapter whenever a reference is made to the tasks and duties of a JPOS it shall also apply to case management staff supervisor of a provider agency contracted to perform these duties and tasks.

(16) Mental Health Substance Abuse Treatment Discharge Summary – A form which summarizes the focus and course of a youth’s mental health and/or substance abuse treatment, and provides recommendations for mental health and/or substance abuse treatment or services upon the youth’s movement out of a DJJ facility or program. The Mental Health/ Substance Abuse Treatment Discharge Summary (MHSA 011, August 2006) is incorporated, and is available from the Medical Director’s Office at 2737 Centerview Drive, Suite 212, Tallahassee, FL 32399-3100.

(17) Notification of the Decision to Not Involuntarily Commit Form – The documentation required in order to release a Sexually Violent Predator (SVP) eligible youth from residential commitment. The form (JJIS Form 25, February 2005) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(18) Performance Plan – An individualized plan developed by the treatment team and youth that stipulates measurable goals the youth must achieve prior to release from the program. Performance plan goals are based on the prioritized needs identified during assessment of the youth and may be updated as appropriate. The plan identifies the youth’s and staffs’ responsibilities and the timelines associated with completion of each goal. The performance plan also serves as the basis for the youth’s post-residential services plan since it includes the transition goals and activities identified at the transition conference conducted at least 60 days prior to the youth’s anticipated release.

(19) Performance Summary – A written document used by staff of residential facilities to inform the youth, committing court, youth’s Juvenile Probation Officer, parent or guardian, and other pertinent parties of the youth’s performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. A Performance Summary can be in the form of a Release Summary, Discharge Summary, or Transfer Summary. The Performance Summary form (RS 007, September 2006) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/residential_rule63E_forms.html.

(20) Positive Achievement Change Tool (PACT) – As incorporated in Rule 63D-5.002, F.A.C.

(21) Post-Commitment Probation – The assessments, services, and supervision provided to families and to youth who are released from residential commitment programs. Under the legal status of post-commitment probation the youth is legally transferred from commitment status to probation status, and the terms and conditions of the YES plan are made by an order entered by the court. A youth on post-commitment probation status is not governed by the department’s transfer policy, but is under the jurisdiction of the court.

(22) Pre-Release Notification – As defined and incorporated in Rule 63E-7.002, F.A.C.

(23) Progress Report – The Progress Report is used to communicate the youth’s progress to the court and can be used at the time of a judicial review, jurisdiction transfer or a request for termination of supervision, probation, post-commitment probation or conditional release. Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the Juvenile Probation Officer must submit to the court a Progress Report requesting termination, which must include all court ordered sanctions completed by the youth. The Progress Report Form (DJJ/IS Form 12, September 2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 103, Tallahassee, FL 32399-3100.

(24) Request for Release Letter – The letter used by the JPO to formally notify the committing judge of the program’s intent to release. The letter indicates the program requesting

the release, the date of release and whether the youth is to be transferred to conditional release, post commitment probation or direct discharge with no DJJ supervision. The Request for Release Letter (DJJ/IS Form 13, January 2007) is incorporated and available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(25) Residential Commitment Program – A low-risk, moderate-risk, high-risk, or maximum-risk residential delinquency program for committed youth.

(26) Sexually Violent Predator (SVP) – For purposes of this chapter, SVP eligible refers to a youth being subject to the requirements of Section 394.910-.932, F.S.

(27) Sexually Violent Predator Program Multidisciplinary Team Notification Letter – The letter used by the JPO to formally notify, in writing, the Department of Children and Families’ Multidisciplinary Team of the anticipated release of youth committed on a sexually violent offense. The Sexually Violent Predator Program Multidisciplinary Team Notification Letter (DJJ/BCS Form 24, September 2006) is incorporated and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(28) Youth-Empowered Success Plan (YES Plan) – As incorporated in Rule 63D-5.002, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.003 Transition Planning While the Youth is in a Residential Commitment Facility.

(1) Planning for the youth’s transition, or return to the community, must begin at the commitment conference when the appropriate conditional release services are identified. Planning for the youth’s successful transition involves the concerted on-going efforts of the youth, the commitment program’s treatment team, the JPO, the conditional release staff (if identified and assigned), and the youth’s family. The JPO must communicate with the staff of the residential commitment facility to assess the youth’s progress and readiness for release and with the parent or guardian to ensure the needs of the youth are being addressed. At a minimum, the JPO must have one face-to-face contact with youth during the transition phase if within a fifty (50) mile radius of the home office. Contacts with youth, regardless of the method used, must be meaningful and must capture the youth’s progress in the program. The unique needs of each youth should be considered and documented in the field notes.

(2) The documents listed below in paragraph (a) must be generated by the residential commitment program and routed to the court through the assigned JPO. The documents listed below in paragraph (b) must be mailed to the court directly with the assigned JPO being copied. The required routing for each type document is described below:

(a) Sent from the Residential Commitment Facility to the JPO for distribution to the court;

1. Pre-Release Notification and Acknowledgement Form.
2. Discharge Summary.
3. Health Discharge Summary.
4. Mental Health Substance Abuse Treatment Summary.

(b) Sent by the Residential Commitment Facility directly to the court with a copy to the JPO:

1. Performance Plan.
2. Performance Summary.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New _____.

63D-7.004 Pre-Release Notification.

(1) In notifying the JPO of a youth's planned release date, the commitment program, unless its length of stay is forty-five (45) days or less, must forward to the JPO the Pre-Release Notification and Acknowledgment form forty-five (45) days prior to the youth's planned release date and ninety (90) days prior to release for sex offenders who do not meet statutory criteria for involuntary civil commitment of sexually violent predators to the Department of Children and Families as set forth in Chapter 394, F.S. The program's notification to the JPO of release from a low-risk residential program with a length of stay forty-five (45) days or less must be made within seventy-two (72) hours of the youth's admission to the program.

(2) If the department concurs with the proposed release date, the JPO must notify, by letter, the committing judge of the program's intent to release. The Request for Release letter, along with a copy of the program's release Performance Summary, must be hand delivered, faxed, or sent certified mail to the judge. This must be done within three (3) working days of receipt of the Pre-Release Notification and Acknowledgement Form. Copies of the letter must be provided to the youth's parent(s)/guardian(s), the commitment program, and conditional release staff, if assigned. The JPO must keep proof of delivery to the court in the youth case file. The JPO must return the completed Pre-Release Notification to the commitment program within five (5) days of completion of the form.

(3) In accordance with Chapter 394, F.S., the JPO must notify, in writing, the Multidisciplinary Team established by the Department of Children and Family Services of the anticipated release of any youth who has been convicted of a sexually violent offense. A copy of the written notice must also be forwarded to the state attorney in the circuit where the youth was adjudicated. Notification to the Multidisciplinary Team and the state attorney must take place one hundred eighty (180) days prior to the anticipated release of persons age eighteen (18) and older from a commitment program and who have been convicted of the sexually violent offenses defined in statute. The transition process for sex offenders who meet the statutory criteria for involuntary civil commitment as set forth in Chapter 394, F.S., must commence two hundred and ten (210) days prior to the youth's anticipated release from the

commitment program if the program is a maximum or high-risk program or otherwise one with a length of stay of more than 180 days.

(4) The residential commitment program shall not release any SVP eligible youth subject to the provisions of Chapter 394, F.S., until the Multidisciplinary Team at the Department of Children and Families (DCF) has determined eligibility and the state attorney's office has decided whether or not to file a petition. If it's determined that the youth will not be involuntarily committed to DCF then the JPO must notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF Form.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New _____.

63D-7.005 Post-Residential Supervision.

(1) While a youth is on post-residential supervision, he or she will typically reside in their family home or in the home of a legal guardian. However, some youth may be in an independent living program, and others will live in an alternative setting with a family friend or a relative who is not the legal guardian. One of the objectives of service planning for youth on post-residential status is preparing them to make the transition to self-supporting, pro-social adulthood. Independent Living is a category that focuses on providing an array of specialized services and for some youth an opportunity for a placement outside the family home. The program is intended for youths whose home environment is a barrier to a crime-free return to the community, youths who are homeless, and youths who cannot return to their home. Independent Living incorporates residential and nonresidential components. Independent living programs are required to operate according to specific contractual language and applicable DJJ quality assurance standards. Youths with sexual offenses, developmental disabilities, and youths, whose adjudication of dependency precedes the adjudication of delinquency, are not appropriate for residential independent living programs and should not be referred to participate. Youths with histories of arson, cruelty to animals, or first-degree felonies should be permitted to participate in an independent living option on a case-by-case basis and documentation of the youth's appropriateness must be maintained in the case file. When a youth is prescribed psychotropic medications, a medication evaluation must be completed prior to consideration of residential independent living placement and will be handled on a case-by-case basis.

(2) Department Operated Post-Residential Programs.

(a) Conditional release is the most utilized of the post-residential categories. The youth's stay in the community is conditioned upon his continuing compliance with the conditions of his or her YES plan and with the requirement that he or she commits no new law violations. Services and sanctions are built upon the successes experienced while in the residential commitment facility.

(b) Post-commitment probation is ordered by the court at the disposition hearing. If ordered, then the court ordered conditions of supervision shall be followed. In this case, the JPO must inform the commitment program that the youth will be under DJJ supervision when released. A youth will not be placed on post-commitment probation unless there is a court order specifying the probation. If the commitment order does not specifically state post-commitment probation or direct discharge, the youth is considered to be under conditional release status with the department to be either supervised by a JPO under committed status, or placed into a conditional release program.

(3) Direct discharge:

(a) If a youth has reached the age of jurisdiction, the department must pursue direct discharge from the residential program. If the youth has completed the maximum term of confinement, which an adult would serve for the same offense while in the residential program, the department must recommend direct discharge. Cases under the jurisdiction of a juvenile court must be approved for direct discharge by said court prior to the department completing any direct discharge action.

(b) If a youth commits a violation of law for which he/she is sentenced in the adult system, the department may pursue direct discharge. To request termination of a youth sentenced as an adult, the JPO must follow the same procedures used for terminating a case from juvenile court.

(c) The department may seek direct discharge due to unusual circumstances, such as a placement in Job Corps or relocation out of the country. Cases under the jurisdiction of a juvenile court must be approved for direct discharge by said court prior to the department completing any direct discharge action.

(d) When notifying the court of the youth's discharge date, the JPO must provide the court with a notification letter that advises the court of the department's intent to directly discharge the youth and the reason for the direct discharge. The JPO must also provide the court with a copy of the discharge Performance Summary and the adult court order, if the youth was sentenced in the adult system.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New _____.

63D-7.006 Admission to Post-Residential Supervision Program.

(1) Conditional release:

(a) Within twenty-four (24) hours of a youth's admission to the conditional release program, he/she must receive a program orientation. The youth's parent(s)/guardian(s) must be encouraged to attend the orientation. The orientation information must be understandable to the youth.

(b) The conditional release staff must always notify the parent(s)/guardian(s) of the youth's acceptance into the program within twenty-four (24) hours after admission. The parent must be given either a written acknowledgement of this acceptance, or a letter of acceptance. A brief overview of the conditional release program must be incorporated in this introductory correspondence. If the conditional release program participates in scheduled recreational activities the parent(s)/guardian(s) must advise the program if they object to such participation due to any physical or medical problems. The letter must inform the parent(s)/guardian(s) that if they object they must provide written documentation from a doctor. A copy of the letter from the doctor must be filed in the youth's case record.

(c) Within seven (7) calendar days from the date of the youth's admission to a conditional release program, the conditional release staff must complete a needs assessment for each youth. If a PACT Reassessment was completed within the past 45 days, a new assessment is not required.

(2) Post-commitment probation:

(a) Within twenty-four (24) hours of a youth's release from the residential program, he/she must be contacted by the JPO for an orientation. The youth's parent(s)/guardian(s) must be encouraged to attend the orientation. The orientation information must be understandable to the youth.

(b) The JPO must always notify the parent(s)/guardian(s) of the youth's acceptance into the program within twenty-four (24) hours after admission. The parent must be given either a written acknowledgement of this acceptance, or a letter of acceptance. A brief overview of the post residential probation program must be incorporated in this introductory correspondence. If the post-residential probation program participates in scheduled recreational activities the parent(s)/guardian(s) must advise the program if they object to such participation due to any physical or medical problems. The letter must inform the parent(s)/guardian(s) that if they object they must provide written documentation from a doctor. A copy of the letter from the doctor must be filed in the youth's case record.

(c) Within seven (7) calendar days from the date of the youth's placement on probation, the JPO must complete a needs assessment for each youth. If a PACT Reassessment was completed within the past 45 days, a new assessment is not required.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New _____.

63D-7.007 Managing Supervision and Designing Intervention Through the YES Plan.

(1) The primary goal of the YES Plan is to provide a detailed roadmap of how the youth, family, and JPO will achieve the treatment goals and sanctions found in the dispositional court order and any voluntary goals. The JPO

must prepare the initial YES Plan within fourteen (14) calendar days of the youth's placement on post-residential supervision. The YES Plan must be developed with the youth and family's input in terms of goal identification and in terms of their ability to fulfill their responsibilities. Inability to obtain parental involvement and efforts made to engage the parent(s)/guardian(s) must be documented. During the development of the plan, the youth and parents/guardians must be informed of the consequences of failing to fulfill the goals of the plan. When the youth accomplishes the terms of the plan he or she can then be successfully terminated from supervision.

(a) The YES Plan must address public safety, accountability, and competency development.

(b) The plan is not limited to court ordered sanctions and treatment goals. In the course of working with the youth and family, the JPO may assess the need for new interventions that the parties mutually agree to pursue, based on the criminogenic needs identified in the PACT assessment. The JPO must include these new interventions in the plan. However, completion of the court ordered goals must be the primary determinant when requesting termination or violations by the court. Voluntary goals should not impede the release of a youth from supervision. The JPO shall request case termination based upon compliance or substantial compliance with the court ordered plan. Each goal must include the major action steps required to achieve the goal. The person or persons primarily responsible for each step must be noted.

(c) The JPO, youth, and family must record target dates for each goal and action step. Target dates should be realistic, yet focused on moving the youth off supervision within a reasonable time frame.

(d) The youth, JPO, and JPOS must sign the YES Plan. The parent(s)/guardian(s) must sign the YES Plan, unless the youth is over 18 years of age or living independently.

(e) The JPO must provide the youth and family with a legible copy of the plan.

(f) If the department has not granted the provider agency access to the PACT automated system, then the requirements described in Rule 63D-7.007, F.A.C., Supervision Plans paragraphs (1)(a) through (e) are not required to be completed in the automated system.

(2) A YES Plan requires adjustments as goals and action steps are completed and when new sanctions or voluntary goals are added. The JPO shall document that major changes to the YES Plan have been communicated to the youth and parent(s)/guardian(s).

(3) Field notes must be completed documenting the intervention contacts made with the youth and family.

(4) The JPO must routinely review and modify, if necessary, the plan with the youth and the family. Formal reviews must occur every ninety (90) days. During the review, the JPO or assigned contracted case manager shall call attention to the accomplished goals and continue to address

those that have not been accomplished. The JPO shall document that major changes to the YES Plan have been communicated to the youth and parent(s)/guardian(s).

(a) The identified sanctions and treatment goals in the YES Plan must be the primary focus of discussion during the JPO's contacts with the youth and the family. As the JPO becomes aware of completed goals and action steps, the JPO must document these achievements on the plan.

(b) If, during the course of supervision, new needs are identified, the JPO must attempt to modify the plan by including voluntary goals to address the needs. Formal adjustments to the court ordered goals must be made by the court during a judicial review. If jurisdiction is not in the county where the supervision occurs, then the JPO will ask the youth to voluntarily agree to the modification or request judicial assistance.

(c) If the youth receives subsequent dispositions due to pending cases at the time he/she was placed on supervision or due to new violations, the JPO must update the original plan to reflect changes in sanctions and treatment goals and court ordered conditions. In making recommendations to the court, at the time of disposition, the JPO must take into consideration the youth's compliance or lack of compliance with YES Plan of the previous disposition.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New _____.

63D-7.008 Violations.

(1) Conditional release:

(a) New law violations: Within twenty-four (24) hours of knowledge of a new law violation, the conditional release staff must personally inform the JPO and vice versa. The JPO and/or conditional release staff must make face-to-face contact with the youth within twenty-four (24) hours of knowledge of a new law violation.

(b) Technical Violations: If a conditional release program feels that a youth has committed a technical violation of the rules of the program, the program may request transfer of the youth out of the conditional release program. The conditional release program shall put the request to transfer in writing and the department will consider the request to transfer. If the department decides that transfer is appropriate, then the department shall initiate the transfer procedures under Chapter 985, F.S. If the department decides that transfer is not in the best interest of the youth, the conditional release program will continue to work with the youth toward successful completion of the program.

(c) Absconders: Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court in order to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process. Mere absence or not appearing for appointments is not absconding, but may constitute a technical

violation if it continues. To constitute absconding, the JPO must have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by parents or guardians to have run away, is considered an absconder.

1. At the point the JPO considers the youth to have absconded, the JPO must document all efforts to locate the youth considered an absconder.

2. If a youth absconds from supervision, the conditional release staff is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will within one (1) working day, file an Affidavit for Order to Take Into Custody. If not stipulated otherwise by contract, the conditional release staff is responsible for coordinating with the JPO to obtain an Affidavit for Order to Take Into Custody on youths who abscond or fail to report to the conditional release program. In this case, when the affidavit is processed, a copy must be forwarded within one (1) workday to the conditional release service provider.

(2) Post-commitment probation:

(a) New law violations: New law violations may generate the need for a violation of probation. If the department decides to seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(b) Technical violations: Technical violations may generate the need for a violation of probation. If the department decides to seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(c) Absconders: If a youth absconds from supervision, the JPO is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will, within one (1) working day, file an Affidavit for Order to Take Into Custody with the court.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New _____.

63D-7.009 Termination of Services.

(1) In general, a youth's length of stay on any form of post-release status will depend upon the youth's presenting needs and risk and on the progress made on achieving the objectives of the YES Plan. The minimum length of stay is ninety (90) calendar days. If after one hundred eighty (180) calendar days the youth needs additional supervision, the court may be petitioned to place the youth onto post-commitment probation to fulfill the continued obligations of conditional release.

(2) Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the JPO must submit a Progress Report to the court requesting termination, which must include all court ordered sanctions completed by the youth.

(3) The Progress Report will then be used as a termination summary that must include the status of all court ordered sanctions completed by the youth. Documentation of completed sanctions including community service hours and restitution must be forwarded to the court. The JPO shall review the termination summary and obtain supervisor approval prior to submitting a letter and the Progress Report to the court within three (3) working days of receipt of the summary. The conditional release staff, youth, and the youth's parent(s)/guardian(s) should receive a copy of this letter.

(4) The court has ten (10) days, from receipt, to reject or approve the release. The adult court has fourteen (14) days, from receipt, to reject or approve the release. If the court does not respond within the days specified, the request of the department must be deemed granted.

(5) If the court does not accept the recommended release date, the youth must be held in the program until an acceptable release date is negotiated with the court.

(6) If it is determined that a case must be terminated due to loss of jurisdiction, the juvenile probation officer must immediately notify the conditional release staff and vice versa.

(7) Should a former youth request assistance after termination from supervision, the juvenile probation officer should be available for reasonable assistance.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Ahearn, DJJ Probation and Community Intervention

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Darryl Olson, Assistant Secretary for Probation and Community Intervention

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:
64B8-9.009

RULE TITLE:

Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendment is intended to address additional criteria for office surgery settings.

SUMMARY: The proposed rule amendment clarifies requirements for post-operative care for patients in office surgery settings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 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:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
- (a) through (g) No change.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in subsection 64B8-9.007(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be qualified by licensure and training to administer all of the medications required on the crash cart and must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

- 2. No change.
- (i) through (m) No change.
- (3) through (6) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History–New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07,_____.

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: April 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-9.007 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUMMARY: The proposed rule amendment incorporates amendments to the new application.

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

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

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.007 Forms and Instructions.

The following constitutes a list of forms and instructions used by the Department and Board in their dealings with the public:

- (1) DH-MQA 1029 – 1/04, entitled “Board of Osteopathic Medicine Application for Licensure (9/06) Application for licensure for osteopathic physician with instructions.
- (2) through (3) No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 459.022 FS. History–New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: To implement an amendment to Section 456.072, F.S., by adding disciplinary guidelines for violation.
SUMMARY: Adding disciplinary guidelines to implement an amendment to Section 456.072, F.S.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.078, 468.1135(4) FS.
LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B20-7.001 Disciplinary Guidelines.
- (1) through (3) No change.
- (4)(a) through (cc) No change.

First Offense

Second Offense

Third Offense

(dd) Violating Section 456.072(1)(t), F.S., by failing to identify through written notice or orally to a patient the type of license under which the practitioner is practicing or failing to identify the type of license that the practitioner pictured or named in an advertisement for health care services holds.

(dd) From a letter of concern to reprimand of the license and an administrative fine ranging from \$250.00 to \$500.00.

(dd) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00.

(dd) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00.

Specific Authority 456.078, 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended 10-25-00, 4-14-02, 8-22-05, 12-28-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Speech-Language
Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 8, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.004
RULE TITLE: Citations
PURPOSE AND EFFECT: The purpose and effect is to add violations for which citations may be issued.
SUMMARY: Violations for which citations may be issued are added.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.073, 456.077 FS.
 LAW IMPLEMENTED: 456.077, 468.1295 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B20-7.004 Citations.
- (1) through (2) No change.
- (3) The following violations with accompanying fines may be disposed of by citation:
 - (a) through (d) No change.
 - (e) Failure to identify the type of license under which the practitioner is practicing. The fine shall be \$250. (See Section 456.072(1)(t), F.S.)
- (4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077, 468.1295 FS. History--New 2-12-92, Amended 8-24-92, 11-9-92, Formerly 21LL-7.004, 61F14-7.004, 59BB-7.004, Amended 8-9-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLES:
65A-1.708	Family-Related Medicaid Budgeting Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: This rule amendment will revise the number of weeks used to average income budgeting in determining eligibility for Medicaid.

SUMMARY: The proposed rule amendments provide for changing income averaging from the past eight weeks to the past four weeks to determine Medicaid eligibility. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: July 25, 2007, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.708 Family-Related Medicaid Budgeting Criteria

(1) The department uses a prospective budgeting system. In a prospective budgeting system, eligibility is based on the department's best estimate of the coverage group's income and circumstances. This estimate shall be based on the department's reasonable expectation and knowledge of current or future circumstances. When eligibility is being determined for a month which has passed, the actual income and circumstances for that month shall be used. In converting weekly income to monthly income, the conversion factor of 4.3 shall be used; in converting biweekly income to monthly income, the conversion factor of 2.15 shall be used. Converting semi-monthly income to monthly income will be made using a conversion factor of 2. When averaging income, all income from the most recent consecutive four ~~eight~~ weeks shall be used if it is representative of the individual's future earnings. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income in accordance with 42 CFR 435.601. In budgeting income received by an individual on a contractual basis, at the option of the individual, the income is prorated over the period of the contract or counted when received, in the amount received.

- (2) through (4) No change.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-15-01,_____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria

- (1) through (3) No change.

(4) Income Budgeting Methodologies. To determine eligibility SSI budgeting methodologies are applied except where expressly prohibited by 42 U.S.C. § 1396, or another less restrictive option is elected by the state under 42 U.S.C. § 1396a(r)(2). When averaging income, all income from the most recent consecutive four weeks shall be used if it is representative of future earnings. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

(a) through (c) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, 8-10-06 (1), (4), 8-10-06 (1),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-125.005	Use of Credit Reports and Credit Scores by Insurers
690-125.006	Unfair Discrimination in Use of Credit Reports or Credit Scores by Insurers

PURPOSE AND EFFECT: The proposed rules implement the provisions of Section 626.9741, F.S. created by Senate Bill 40-A. Rule 690-125.005, F.A.C., requires the review and approval of an insurers use of credit reports and credit scores, requires submission of specified information and verification that the models, methods, programs and other processes are accurate predictors of risk and are in compliance with the provisions of Section 626.9741, F.S. and Rule 690-125.006, F.A.C., provides standards that ensure that rates or premiums associated with the use of a credit report or score are not unfairly discriminatory. The rule specifies the statistical requirements and standards for the testing of credit scoring methodologies to assure they do not have a disproportionate impact on the classifications specified in Section 626.9741(8)(c), F.S.

SUMMARY: The proposed rules implement the provisions of Section 626.9741, F.S. created by Senate Bill 40-A. Rule 690-125.005, F.A.C., requires the review and approval of an insurers use of credit reports and credit scores, requires submission of specified information and verification that the models, methods, programs and other processes are accurate predictors of risk and are in compliance with the provisions of Section 626.9741, F.S. and Rule 690-125.006, F.A.C., provides standards that ensure that rates or premiums

associated with the use of a credit report or score are not unfairly discriminatory. The rule specifies the statistical requirements and standards for the testing of credit scoring methodologies to assure they do not have a disproportionate impact on the classifications specified in Section 626.9741(8)(c), F.S.

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

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

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(1), 626.9741 FS.

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

DATE AND TIME: August 9, 2007, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) “Applicant”, for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes relating to personal lines motor vehicle or personal lines residential insurance and shall not include individuals who have merely requested a quote.

(b) “Credit scoring methodology” means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) “Data cleansing” means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) “Personal lines motor vehicle” insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

a. Vehicles used as public livery or conveyance;

b. Vehicles rented to others;

c. Vehicles with more than four wheels;

d. Vehicles used primarily for commercial purposes; and

e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

a. Motorcycles;

b. Motor homes;

c. Antique or classic automobiles; and

d. Recreational vehicles.

(2) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and this rule.

(3) Upon the effective date of this rule, insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in a filing submitted pursuant to Section 627.062 or 627.0651, F.S. If changes are subsequently made to the use of credit reports or credit scores, a new filing shall be made in accordance with this rule.

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application;

2. Named insured or spouse; and

3. All listed operators.

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used;

2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;

2. Version, subtype, or intended segment of business the system was designed for; and

3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following as applicable:

1. Rate or premium charged for a policy of insurance;

2. Placement of an insured or applicant in a rating tier;

3. Placement of an applicant or insured in a company within an affiliated group of insurance companies;

4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history (as referenced in Section 626.9741(4)(c)1., F.S.) on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code (as referenced in Section 626.9741(4)(c)2., F.S.) on a consumer’s credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;

2. Requests by the consumer for the consumer’s own credit information;

3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer’s credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another;

4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer’s credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries;

5. Inquiries relating to insurance coverage, if so identified on a consumer’s credit report; and

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision under Section 626.9741(3), F.S. and the criteria determining when each of those reasons will be so cited.

(k) A description of the process that the insurer will use to correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report or corrected, provided that the insured first notifies the insurer that the item has been removed or corrected.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(4) Insurers desiring to make adverse decisions for personal lines motor vehicle policies or personal lines residential policies based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer. This information will be held as confidential if properly so identified by the insurer and eligible under Section 626.97411, F.S. The information shall include:

1. Data comparing experience for each category of those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A professionally validated method of statistical analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A professionally validated method of statistical analysis that confirms that the treatment proposed by the insurer is quantitatively supported and validated; and

4. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history and for at least two subsets of such consumers;

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment for the totality of consumers with an

absence of or insufficiency of credit history any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(5) Insurers desiring to make adverse decisions for personal lines motor vehicle or personal lines residential insurance based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured in violation of Section 626.9741(4)(c)3., F.S.

(6)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures consistent with Section 626.9741(4)(e), F.S. providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(7)(a)1. Insurers using credit reports or credit scoring in rating personal lines motor vehicle or personal lines residential insurance shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured, but no more than once per policy period without insurer assent.

b. The insurer shall notify the named insureds annually of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history. The renewal premium shall be subject to other rating factors lawfully used by the insurer.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (7)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria (which may result in a greater premium) or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be complete enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information) at the time of the reevaluation.

(8) No credit scoring methodology shall be used for personal lines motor vehicle or personal lines residential property insurance unless that methodology has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. The demonstration of validity detailed below need only be provided with the first rate, rule, or underwriting guidelines filing following the effective date of this rule and at any time a change is made in the credit scoring methodology. Other such filings may instead refer to the most recent prior filing containing a demonstration. Information supplied in the context of a demonstration of validity will be held as confidential if properly so identified by the insurer and eligible under Section 626.97411, F.S. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;
2. Any biases the technique might introduce; and
3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multivariate statistical testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used.

(f) An assessment by a qualified actuary, economist, or statistician (whether or not employed by the insurer) other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the assessment and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs within professionally accepted confidence levels, on a validation data set. The validation data set may not be the one from which the model was developed.

(g) The testing or validation results obtained in the course of the assessment in paragraphs (d) and (f) above.

(h) Internal insurer data that validates the premium differentials proposed based on the scores or ranges of scores.

1. Industry or countrywide data may be used to the extent that the Florida insurer data lacks credibility based upon generally accepted actuarial standards. Insurers using industry or countrywide data for validation shall supply Florida insurer data and demonstrate that generally accepted actuarial standards would allow reliance on each set of data to the extent the insurer has done so.

2. Validation data including claims on personal lines residential insurance policies that are the result of acts of God shall not be used unless such acts occurred prior to January 1, 2004.

3. The mere copying of another company's system will not fulfill the requirement to validate proposed premium differentials unless the filer has used a method or system for less than 3 years and demonstrates that it is not cost effective to retrospectively analyze its own data. Companies under common ownership, management, and control may copy to fulfill the requirement to validate proposed premium differentials if they demonstrate that the characteristics of the business to be written by the affiliate doing the copying are sufficiently similar to the affiliate being copied to presume common differentials will be accurate.

(i) The credibility standards and any judgmental adjustments, including limitations on effects, that have been used in the process of deriving premium differentials proposed and validated in paragraph (h) above.

(j) An explanation of how the credit scoring methodology treats discrepancies in the information that could have been obtained from different consumer reporting agencies: Equifax, Experian, or TransUnion. This shall not be construed to require insurers to obtain multiple reports for each insured or applicant.

(k)1. The date that each of the analyses, tests, and validations required in paragraphs (d) through (j) above was most recently performed, and a certification that the results continue to be applicable.

2. Any item not reviewed in the previous 5 years is unacceptable.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History—New _____.

69O-125.006 Unfair Discrimination in Use of Credit Reports and Credit Scores by Insurers.

(1) PURPOSE – This rule provides standards for the review and testing of Credit Scoring Methodologies that are subject to review and approval pursuant to Rule 69O-125.005, F.A.C., to ensure that rates and premiums associated with the use of a credit report or score are not unfairly discriminatory, based on race, color, religion, marital status, age, gender, income, national origin or place of residence.

(2) Insurers using credit reports or scores must retain statistical detail as follows solely for the purpose of determining whether there is a disproportionate impact on the below described classifications. The insurer shall provide a statistically validated method of analysis as set forth in Rule 69O-125.005, F.A.C., which demonstrates that the following enumerated subcategories are not disproportionately impacted by the credit scoring methodology used by the insurer:

(a) With regard to race:

1. Black or African American.
2. Asian (having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent).
3. American Indian or Alaska Native.
4. Native Hawaiian or Other Pacific Islander.
5. White (having origins in any of the original peoples of Europe, the Middle East, or North Africa) as these terms are defined by the October 30, 1997 Federal Register Notice entitled, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity” issued by the Office of Management and Budget (OMB).

(b) With regard to color or ethnicity:

1. Hispanic, Latino, or Spanish Origin.
2. Not Hispanic, Latino, or Spanish Origin as these terms are defined by the aforementioned Federal Register Notice.

(c) With regard to religion:

1. Persons professing a religious faith that prohibits or severely restricts the use of debt instruments that form the basis for a credit report or credit score as defined in Section 626.9741(2), F.S.

2. All other persons.

(d) With regard to marital status:

1. Married persons.
2. Persons never married.
3. Persons divorced.
4. Persons widowed.

(e) With regard to age:

1. under the age of 21.
2. between the ages of 21 and 30.
3. between the ages of 31 and 40.
4. between the ages of 41 and 50.
5. between the ages of 51 and 60.
6. between the ages of 61 and 70.
7. between the ages of 71 and 80.
8. age 81 or greater.

(f) With regard to gender:

1. Male.
2. Female.
3. Other (Androgynous, Hermaphroditic, Intersexual, or Transgender).

(g) With regard to income:

1. Households with total income equal to \$25,000 or less annually.
2. Households with total income between \$25,001 and \$50,000 annually.
3. Households with total income between \$50,001 and \$75,000 annually.
4. Households with total income between \$75,001 and \$100,000 annually.
5. Households with total income between \$100,001 and \$125,000 annually.
6. Households with total income between \$125,001 and \$150,000 annually.
7. Households with total income exceeding \$150,000 annually.

(h) With regard to national origin:

1. Persons born in the United States of America, its territories or possessions.
2. Persons born elsewhere.

(i) With regard to place of residence, the zip code of the insured as established by the United States Postal Service, using the first 5 digits only.

(3) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(4) “Unfairly discriminatory” means that adverse decisions resulting from the use of a credit scoring methodology disproportionately impact persons belonging to any of the enumerated subcategories of the classes set forth in Section 626.9741(8)(c), F.S., as described in subsection (2) above.

(5) “Disproportionate Impact” means that the percentage of the insured population in one or more enumerated subcategory differs significantly from the percentage of premium that is to be paid by persons in that subcategory as a result of the use of credit reports or credit scores in underwriting or rating. A statistically validated test of the significance of the differences in premium percentage versus population percentage shall be submitted. If the probability that the differences shown is due to chance is 10% or less then the proposed use of credit reports or scores will have been shown to have a disproportionate impact with respect to that class of persons.

(6) Any insurer desiring to use any credit scoring methodology must file complete documentation of a professionally validated method of statistical analysis of the methodology with respect to disproportionate impact on any of the enumerated subcategories of the classes set forth in Section 626.9741(8)(c), F.S., as described in subsection (2) above. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring methodology, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History—New _____.

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: Belinda Miller, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003 and February 27, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-63.001 RULE TITLE: Citrus Health Response Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 48, December 1, 2006, and in a previous Notice of Change published in Vol. 33, No. 22, June 1, 2007 issues of the Florida Administrative Weekly. This change is to move *Murraya paniculata* (orange-jasmine) from paragraph 5B-63.001(5)(b), F.A.C. Hosts of Asian citrus psyllid only to paragraph (a) Hosts of citrus greening. This is necessary since testing by University of Florida scientists has shown that *Murraya paniculata* (orange-jasmine) is a host of citrus greening and needs to be included in the host list and regulated as such. When adopted, the rule will read as follows.

5B-63.001 Citrus Health Response Program.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Approved decontaminants. Products capable of decontaminating equipment and personnel of citrus canker or other diseases that have been verified effective by the Department.

(b) Asian citrus psyllid. The insect known as the Asian citrus psyllid, *Diaphorina citri*, classified in the order Homoptera, Family Psyllidae, and all of its life stages.

(c) Citrus. All members and any hybrids of the family Rutaceae including any plants, plant parts, fruits, seeds and any other parts thereof.

(d) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. *citri*, (formerly known as *Xanthomonas campestris* pv. *citri*), Asian strain.

(e) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter asiaticus*, or huanglongbing (also known as yellow dragon disease or yellow shoot disease).

(f) Commercial citrus grove. A solid set planting of 40 or more citrus trees.

(g) Exposed. Determined by the department to likely harbor citrus canker bacteria but not expressing visible symptoms, or determined by the department to likely harbor citrus greening bacteria because of proximity to infected plants or infected psyllids.

(h) Foundation tree. A citrus tree owned and maintained by the department in accordance with Rule 5B-62.014, F.A.C. that is used for horticultural evaluation and to provide a source of budwood to nurseries, primarily for establishing scion and increase trees.

(i) Infected. Citrus trees harboring citrus canker bacteria and exhibiting visible symptoms of the disease or harboring citrus greening bacteria as confirmed by laboratory diagnostic tests conducted in laboratories approved by the department or the USDA.