

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 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: Wednesday, October 10, 2007, 10:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

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: Georgia Dowell, (850)413-3170. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340; phone: (850)413-3170; Fax: (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2007~~ ~~2006~~ through June 30, ~~2008~~ ~~2007~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2007~~ ~~2006~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~55,835.12~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~55,835.12~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$173,278.31~~ ~~167,505.33~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06,_____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.:

RULE TITLE:

1B-2.011

Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

SUMMARY: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 257.14, 257.15, 257.40, 257.41, 257.42 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.40, 257.41, 257.42 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: Thursday, October 18, 2007, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

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 3 days before the workshop/meeting by contacting: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us. 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: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended _____, which contain instructions, grant and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended _____; Mid-Year Report (Form DLIS/LCG02) effective _____, Annual Report Form (Form DLIS/LCG03) effective _____, and Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended _____.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Marian Deeney by mail at R. A. Gray Building, 500 South
 Bronough Street, Tallahassee, FL 32399, or by e-mail at
 mdeeney@dos.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Judith Ring

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 11, 2007

**DEPARTMENT OF AGRICULTURE AND CONSUMER
 SERVICES**

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements
5F-2.016	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: The purpose and effect of
 amending Rule 5F-2.001, Florida Administrative Code, is to:

1. adopt current editions of ASTM International fuel quality
 specification designations for gasoline, diesel fuels, kerosene,
 fuel oils, and various alternative fuels listed in Chapter 5F-2,
 Florida Administrative Code, so that the Department will use
 the most recent nationally recognized standards for petroleum
 products developed by a consensus organization;
2. add "end point" distillation requirements to alternative fuels
 to protect consumers from contaminated fuel;
3. define and include B99 with the existing B100 for use and
 specifications;
4. revise the vapor pressure requirements for certain alcohol
 modified fuels to allow more of these fuels to be marketed;

5. redefine the term and standards for biodiesel blends to
 include fuel oil as a blending agent to concur with general
 practices.

The purpose and effect of amending Rule 5F-2.002, Florida
 Administrative Code, is to provide disposition processes for
 certain substandard fuels in order to create a modified process
 for less severely contaminated fuels.

The purpose and effect of amending Rule 5F-2.003, Florida
 Administrative Code, is to update the labeling requirements of
 certain fuels to make Department rules in accord with new
 federal labeling requirements and to add a web address for
 certain Department forms, making them more accessible.

The purpose and effect of amending Rule 5F-2.005, Florida
 Administrative Code, is to allow an alternative method for
 dealing with improperly registering petroleum fuel measuring
 devices that have been repaired. This will increase the
 efficiency of Department personnel.

The purpose and effect of amending Rule 5F-2.014, Florida
 Administrative Code, is to:

1. Add requirements to standards for petroleum fuel measuring
 devices to protect the consumer from fueling improperly or
 receiving short measure;
2. Adopt the 2007 edition of National Institute of Standards
 and Technology (NIST) Handbook 44 which contains
 specifications and testing criteria for liquid and vapor
 measuring devices in order to incorporate the most recent
 nationally recognized specifications and testing criteria for
 measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, Florida
 Administrative Code, is to update the penalty matrices to
 reflect the proposed changes in Chapter 5F-2, Florida
 Administrative Code.

SUMMARY: Proposed rule Chapter 5F-2, Florida
 Administrative Code, will specify that the most recent editions
 of ASTM International standards for fuels and other vehicular
 fluids are to be accepted for implementation. Changes and
 additions regarding specifications and labeling of these
 products are also addressed. New requirements for petroleum
 measuring devices are addressed. Changes and/or updates for
 penalties for violations are addressed. The website to the
 Gasoline and Oil Inspection Affidavit form is 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: 525.037, 525.07, 525.14, 525.16,
 526.09, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07,
 525.14, 525.16, 526.01(1),(3), 531.40 FS.

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

DATE AND TIME: October 12, 2007, 9:30 a.m. EST

PLACE: Florida Dept. of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

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 24 hours before the workshop/meeting by contacting: Richard Kimsey, Environmental Administrator, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740. 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: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-06a ~~D 4814-04b~~^{e†}, "Standard Specification for Automotive Spark-Ignition Engine Fuel," with the following exception: Gasoline containing one through ten percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-06a ~~D 4814-04b~~^{e†}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;
2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;
3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;
4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International designation D 975-06b ~~D 975-04e~~^{e†}, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 975-06b ~~D 975-04e~~^{e†}, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

- (a)1. Methanol, denatured ethanol, or other alcohols;
2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(b) Mixtures containing 85% by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, determined acceptable in the specifications for such mixtures as adopted in this section to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines;" with the following addition: All E85 Fuel Ethanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines;" with the following addition: All M85 Fuel Methanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% diesel fuel and 1% biodiesel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-06b ~~D-975-04e^{et}~~, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D396-04, "Standard Specification for Fuel Oils."

~~c.b.~~ Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-06b ~~D-975-04e^{et}~~, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-04, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-06a ~~D-4814-04b^{et}~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-06 ~~D-3699-04~~, "Standard Specification for Kerosine."

(c) ASTM International D 975-06b ~~D-975-04e^{et}~~, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International D 396-06 ~~D-396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-06c ~~D-4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(g) ASTM International D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(h) ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, _____.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it has been brought up to the Antiknock Index standard. If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public.

(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0), but not more than three (3.0), above or below the posted ethanol content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately. No concentration shall be permitted to be less than one percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it meets the silver corrosion standard or is replaced with a suitable product that meets the silver corrosion standard.

(e) Gasoline not meeting specifications stated in ASTM International ~~D 4814-06a~~ ~~D 4814-04b~~^{e†}, “Standard Specification for Automotive Spark-Ignition Engine Fuel” for reasons other than those enumerated in paragraphs (1)(a), ~~and~~ (b), ~~(c) or (d)~~ shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied, by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene not meeting specifications stated in ASTM International ~~D 3699-06~~ ~~D 3699-04~~, “Standard Specification for Kerosine” for reasons other than those enumerated in

paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oils No. 2-D found below the flash point standard, but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. 1-D and No. 2-D found above the sulfur standard, but equal to or below 35 ppm sulfur shall not have an assessment levied, but shall be withheld from sale to the public until brought up to standard or relabeled appropriately.

(d) Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International ~~D 975-06b~~ ~~D 975-04e~~^{e†}, “Standard Specification for Diesel Fuel Oils” and ASTM International ~~D 396-06~~ ~~D 396-04~~, “Standard Specification for Fuel Oils”, respectively for reasons other than those enumerated in paragraphs (3)(a), ~~(b) and~~ ~~or (c)(b)~~ shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Biodiesel blends found to have a biodiesel content of more than two (2.0), but not more than five (5.0), above or below the posted biodiesel content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately.

(c) Alternative Fuels found below standard for reasons other than those enumerated in paragraph (4)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, _____.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of

Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us>.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

Grade Designation	Minimum Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors,

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

(a) For all ultra-low sulfur highway diesel fuel:

ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2007 and later highway diesel vehicles and engines.

Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:

LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For ~~ultra-low sulfur~~ ~~all~~ non-highway diesel fuel:

~~**NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)**~~

~~**WARNING** – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.~~

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2011 and newer non-road diesel engines.

Recommended for use in all non-road, locomotive, and marine diesel engines.

WARNING – Federal law prohibits use in highway vehicles or engines.

(d) For low sulfur non-highway diesel fuel:

LOW SULFUR NON-HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in highway vehicles or engines.

(e) For high sulfur non-highway diesel fuel:

HIGH SULFUR NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)

WARNING – Federal law prohibits use in highway vehicles or engines.

May damage non-road diesel engines required to use low-sulfur or ultra-low sulfur diesel fuel.

(f) For all fuel (heating) oil:

WARNING – Federal law prohibits use in highway vehicles or engines, or in non-road, locomotive, or marine diesel engines. Its use may damage these diesel engines.

(7) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol” or other definitive equivalent statement on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and “contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser

front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% shall be identified as "E85 Fuel Ethanol."

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% shall be identified as "M85 Fuel Methanol."

(9) ~~All biodiesel or biodiesel blends containing diesel fuel~~ kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "Biodiesel Blend (BXX)," where XX represents the volume percent biodiesel in the biodiesel blend; and shall be labeled with the proper sulfur grade designation "S15 (15 ppm Sulfur Maximum)" or "S500 (500 ppm Sulfur Maximum). All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as "Biodiesel (BXX)," where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation "S15 (15 ppm Sulfur Maximum)" or "S500 (500 ppm Sulfur Maximum). Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every dispenser that dispenses biodiesel, B99, or a biodiesel blend containing diesel fuel dispenser dispensing fuel with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT
WITH YOUR ENGINE
MANUFACTURER OR OWNER'S MANUAL BEFORE
USING THIS PRODUCT.

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in paragraph (6) of this section, to indicate

the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "Bioheat (BHXX)," where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT
WITH YOUR EQUIPMENT OR ENGINE
MANUFACTURER OR OWNER'S MANUAL BEFORE
USING THIS PRODUCT

~~(11)(40)~~ Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History--Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06,_____.

5F-2.005 Inaccurate Measuring Devices.

(1) For the purpose of Section 525.07, Florida Statutes, and this rule, the term "short measure" shall mean the overregistering of fuel by a petroleum fuel measuring device.

(2) If any petroleum fuel measuring device is found to be underregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the inspector shall give the operator or owner of the said device a reasonable time in writing to fix or adjust such device.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~or~~ and the ~~written~~ consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or ~~and~~ the ~~written~~ consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2007 2006 Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov>.

(2) Effective, July 1, 2008, each retail dispensing device from which diesel fuel, biodiesel, or a biodiesel blend containing diesel fuel is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

(3) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered

with the Department as a meter mechanic and bears the name of the company or the name or initials of the registered meter mechanic.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06,_____.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

- (a) The degree and extent of harm caused by the violation;
- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation.

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	<450 475 475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: > maximum but ≤11.5	November-March: > 13.5* April-October: > 11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		> maximum but < 20%	>20%
Ethanol	> 3.0 from displayed value		
Silver Corrosion			≥ 2 all violations

*Greater than 14.5 psi for gasoline blended with 1% to 10% ethanol by volume.

Diesel, Biodiesel Blends, Kerosene, Bioheat and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends, bioheat & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene, bioheat & fuel oils: 60-79	diesel, biodiesel blends, kerosene, bioheat & fuel oils: < 60
Distillation		diesel, biodiesel blends, kerosene, bioheat & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			≥35 ppm all violations
Sulfur (all other fuels)			all violations
Lubricity			all violations
Biodiesel and Bioheat, % vol	biodiesel blends: ≥20		
Biodiesel and Bioheat, % vol	blends: > 5 from displayed value		

*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40 CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100	\$250	\$500
Ethanol content	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content	all violations		
Vapor Pressure	all violations		
Sulfur	all violations		
Water content	all violations		
Distillation: End Point, °F	475	476-500	≥500

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.

4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02, 6-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650; phone: (850)488-9740

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Rhodes, Assistant Commissioner, The Capitol, PL10, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

DEPARTMENT OF REVENUE

RULE NO.: 12-3.011
 RULE TITLE: Department Personnel Disciplinary Procedures and Standards

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-3.011, F.A.C. (Department Personnel Disciplinary Procedures and Standards), is to repeal a rule that has been

rendered obsolete and is no longer necessary. Section 110.201, F.S., requires the Department of Management Services to develop uniform personnel rules and guidelines relating to employees and positions in the career service. The Department of Management Services adopted Rule 60L-36.005, F.A.C. (Disciplinary Standards), to provide the required disciplinary and personnel procedures for all state agencies, including the Department of Revenue. The adoption of this rule rendered the Department of Revenue's Rule 12-3.011, F.A.C., obsolete. The effect of the repeal of this rule will remove this obsolete rule from the administrative code.

SUMMARY: The proposed repeal of Rule 12-3.011, F.A.C. (Department Personnel Disciplinary Procedures and Standards), removes obsolete personnel disciplinary action standards and procedures from the Department of Revenue's administrative rules.

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: 213.061(1), 409.2557(3) FS.

LAW IMPLEMENTED: 20.21(2)(a), 110.201(2), 110.227 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Jamie Peate, Operations Analyst, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-3.011 Department Personnel Disciplinary Procedures and Standards.

Specific Authority 213.061(1), 409.2557(3) FS. Law Implemented 20.21(2)(a), 110.201(2), 110.227 FS. History--New 7-27-99, Amended 10-18-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-6668, telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12-3.011, F.A.C., Department Personnel Disciplinary Procedures and Standards

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:
12A-1.0141

RULE TITLE:
Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.0141, F.A.C. (Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures), is to remove obsolete provisions which provided the administrative requirements to obtain a refund of previously paid tax on equipment purchased by a communications services provider necessary for use in the deployment of broadband technologies in Florida. This refund of previously paid tax was authorized in Section 37, Chapter 2000-164, L.O.F., and was scheduled to be repealed on June 30, 2005. The Legislature has not reenacted these tax refund provisions. The effect of this rule repeal will remove this obsolete rule from the administrative code.

SUMMARY: The proposed repeal of Rule 12A-1.0141, F.A.C. (Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures), removes obsolete provisions regarding how to obtain a refund of previously paid tax on equipment purchased by a communications services provider necessary for use in the deployment of broadband technologies in Florida.

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: 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(p), 212.085, 213.255(1), (2), (3), 215.26(2) FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Janet L. Young, Tax Law Specialist, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0141 Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures.

Specific Authority 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(p), 212.085, 213.255(1), (2), (3), 215.26(2) FS. History—New 6-19-01, Amended 4-17-03, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12A-1.0141, F.A.C., Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(b) DR-15CS	Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(c) DR-15CSN	DR-15 Sales and Use Tax - Instructions (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(f) DR-15EZN	Instructions for <u>2008</u> 2007 DR-15EZ Sales and Use Tax Returns (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(g) No change.

(h) DR-15MO	Florida Tax on Purchases (R. <u>06/07</u> 02/06)	_____ <u>04/07</u>
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(i) DR-15N	Instructions for <u>2008</u> 2007 DR-15 Sales and Use Tax Returns (R. <u>01/08</u> 01/07)	_____ <u>04/07</u>
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(j) through (m) No change.

(7) through (22) No change.

(23) DR-600013	Request for Verification that Customers are Authorized to Purchase for Resale (R. <u>02/07</u> N. 01/00)	_____ <u>10/01</u>
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Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2973-2974). No comments were received by the Department

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-16.008	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of the solid waste fees and the rental car surcharge.

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: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m. PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SWCS	Solid Waste and Surcharge Return (DR-15SW) (R. <u>01/08</u> <u>01/07</u>)	___ <u>04/07</u>
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. <u>01/08</u> 01/07)	___ <u>04/07</u>

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, p. 2974). No comments were received by the Department

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax.

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: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.022, 201.133 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m. PLACE: Room 118, Carlton Building, 501 South Calhoun 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 days before the workshop/meeting by contacting: Larry Green at (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: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference. Copies of these forms are available, without cost, by one (+) or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-225	Documentary Stamp Tax Return For Registered Taxpayers' Unrecorded Documents	(R. 11/07 12/04) _____ <u>06/05</u>

(4) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.022, 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2974-2975). No comments were received by the Department

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

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: 206.14(1), 206.59(1), 213.06(1) FS. LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943, FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

Form Number	Title	Effective Date	Form Number	Title	Effective Date
(b) No change.			(19)(20) DR-904	Pollutants Tax Return	(R. <u>01/08</u> 03/05) ____ 04/07
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, and Commercial Fishing or Commercial Aviation Purposes (R. <u>01/08</u> 01/07) ____ 04/07	04/07	(20)(21) DR-309631	Terminal Supplier Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(3) through (8) No change.			(21)(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(9) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/08</u> 01/07) ____ 04/07	04/07	(22)(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(10) DR-161	Refund Application Schedule of Purchases for Tax Paid Purchase Only (R. <u>01/07</u> 04/07) ____ 04/07	04/07	(23)(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(10)(11) DR-166	Florida Pollutant Tax Application (R. <u>01/05</u>) ____ 04/07	04/07	(24)(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(11)(12) DR-176	Application for Air Carrier Fuel Tax License (R. <u>01/05</u>) ____ 04/07	04/07	(25)(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(12)(13) DR-179	Corporate Surety Bond Form for Refund Permit Application (R. <u>09/97</u>) ____ 04/07	04/07	(26)(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(13)(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07	(27)(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(14)(15) DR-185	Application for Fuel Tax Refund Permit (R. <u>07/07</u> 06/04) ____ 04/07	04/07	(28)(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(15)(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/08</u> 01/07) ____ 04/07	04/07	(29)(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(16)(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. <u>01/08</u> 01/07) ____ 04/07	04/07	(30)(31) DR-309636	Terminal Operator Information Return (R. <u>01/08</u> 01/07) ____ 04/07	04/07
(17)(18) DR-191	Application for Aviation Fuel Refund – Air Carriers (R. <u>07/06</u>) ____ 04/07	04/07			
(18)(19) DR-248	2008 2006 Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>01/08</u> 10/05) ____ 04/07	04/07			

- ~~(31)~~(32) DR-309636N Instructions for Filing Terminal Operator Information Return (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(32)~~(33) DR-309637 Petroleum Carrier Information Return (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(33)~~(34) DR-309637N Instructions for Filing Petroleum Carrier Information Return (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(34)~~(35) DR-309638 Exporter Fuel Tax Return (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(35)~~(36) DR-309638N Instructions for Filing Exporter Fuel Tax Return (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(36)~~(37) DR-309639 Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes ~~(with Instructions)~~ (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(37)~~(38) DR-309640 Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(38)~~(39) DR-309645 ~~2008~~ ~~2007~~ Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/08 ~~01/07~~) _____ 04/07
- ~~(39)~~(40) DR-309660 Application for Pollutants Tax Refund (R. 01/08 ~~01/07~~) _____ 04/07

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2975-2977). No comments were received by the Department

DEPARTMENT OF REVENUE

Miscellaneous Tax

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

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12B-7.0225, F.A.C. (Computation of Phosphate Rock Tax Rate), is to remove the unnecessary adoption of the phosphate rock producer price index to be used by the Department for purposes of calculating the annual adjustment to the producer price index for phosphate rock.

The Department is required to calculate the annual base rate adjustment to the phosphate rock tax rate and provide notification to the affected producers each year. Prior to July 1, 2007, Section 211.3103, F.S., required an annual adjustment to the base price by the change in the producer price index for phosphate rock primary products. When that index was no longer available, the Department was required to select a comparable index and to adopt that index by rule. The Department adopted in this rule the U.S. Bureau of Labor Statistics Producer Price Index North American Industry Classification System National Code 212392, Phosphate Rock Mining, as the price index to be used in the calculation of the annual base rate adjustment beginning with the year 2007 and thereafter. The Department also adopted the change in methodology for calculating the annual base rate adjustment for the phosphate rock tax rate for the year 2006.

Effective July 1, 2007, Section 18, Chapter 2007-106, L.O.F., changed the producer price index to be used for this purpose to the producer price index for phosphate rock, the index currently used by the Department and adopted in this rule. The Department is only required to select a comparable index and adopt that index by rule in the event that the producer price index is discontinued. Because the Department is using the index required by the statute and that index remains available and the provisions regarding the methodology to compute the

tax rate for the year 2006 are now obsolete, this rule is no longer necessary. The effect of this rule repeal will be to remove this rule from the administrative code.

SUMMARY: The proposed repeal of Rule 12B-7.0225, F.A.C., removes the adoption of the producer price index for phosphate rock used by the Department to calculate the annual base rate adjustment to the phosphate rock tax rate that is no longer necessary under the provisions of Section 211.3103(9), F.S., as amended by Section 18, Chapter 2007-106, L.O.F.

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: 211.3103(9)(e), 213.06(1) FS.

LAW IMPLEMENTED: 211.3103 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun 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 at (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: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.0225 Computation of Phosphate Rock Tax Rate.

Specific Authority 211.3103(9)(e), 213.06(1) FS. Law Implemented 211.3103 FS. History—New 6-28-00, Amended 10-30-06, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12B-7.0225, F.A.C., Computation of Phosphate Rock Tax Rate

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003 **RULE TITLE:** Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/08 <u>01/07</u>)	____ <u>04/07</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/08 <u>01/07</u>)	____ <u>04/07</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2007 <u>2006</u> (R. 01/08 <u>01/07</u>)	____ <u>4/07</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/08 <u>01/07</u>)	____ <u>04/07</u>
(7) DR-350900	2007 <u>2006</u> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/08 <u>01/07</u>)	____ <u>04/07</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2977-2978). No comments were received by the Department

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:

12C-1.051 Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, new forms and changes to the forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax.

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: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (3) No change.

(4)(a) F-1065	Florida Partnership Information Return	____ <u>04/07</u>
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(R. ~~01/08~~ 01/07)

- (b) F-1065N Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/08
~~01/07~~) _____ 04/07
- (5) F-1120A Florida Corporate Short Form Income Tax Return (R. 01/08
~~01/07~~) _____ 04/07
- (6)(a) F-1120 Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/08
~~01/07~~) _____ 04/07
- (b) F-1120N F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2007
~~2006~~ (R. 01/08
~~01/07~~) _____ 04/07
- (7) F-1120ES Declaration/Installment of Florida Estimated Income/ Franchise and ~~of~~ Emergency Excise Tax For Taxable Year Beginning on or after January 1, 2008
~~2007~~ (R. 01/08
~~01/07~~) _____ 04/07
- (8)(a) F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/08
~~01/07~~) _____ 04/07
- (b) F-1120XN Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/08
~~01/06~~) _____ 04/06
- (9) through (14) No change.
- (15) F-7004 Florida Tentative Income/ Franchise and ~~of~~ Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/08
~~01/07~~) _____ 04/07

220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History–New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2978-2979). No public comments were received by the Department

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-109.0011
RULE TITLE: Joint Public/Private Development of Right of Way

PURPOSE AND EFFECT: Rule Chapter 14-109, F.A.C., is being repealed as unnecessary to Department operations. The Department process can be addressed in procedures. Repeal of this rule chapter is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary.

SUMMARY: Rule Chapter 14-109, F.A.C., is being repealed.
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: 334.044(2) FS.

LAW IMPLEMENTED: 337.251 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737,

14-109.0011 Joint Public/Private Development of Right of Way.

Specific Authority 334.044(2) FS. Law Implemented 337.251 FS. History--New 3-13-97, Amended 8-6-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.003 RULE TITLE: Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of disciplinary actions that can be appealed and the entities to which they may be appealed.

SUMMARY: The proposed rule eliminates assignment and transfer in excess of 50 miles from the list of appealable disciplinary actions and corrects office and staff titles 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: 944.09 FS.

LAW IMPLEMENTED: 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission ~~Career Service Commission~~. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel ~~Officer~~ Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

(1) through (35) No change.

Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, FS. History--New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ralph Kiessig, Director of Human Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901 **RULE TITLE:** Confidential Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC4-711B, Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information for compliance with Health Insurance Portability and Accountability Act (HIPAA).

SUMMARY: Form DC4-711B, Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information, is amended for compliance with Health Insurance Portability and Accountability Act (HIPAA).

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: 20.315, 944.09, 945.10, 945.25 FS.
LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.901 Confidential Records.

(1) through (2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon

consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA complaint release of protected health information form from another governmental agency shall be utilized. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~2-9-06~~. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(3)(b) through (11) No change.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NO.: 59-1.018 **RULE TITLE:** Uniform Rules of Procedure

PURPOSE AND EFFECT: Repeal of rule adopting the Uniform Rules of Procedure.

SUMMARY: Repeal of rule adopting the Uniform Rules of Procedure.

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: 408.15(8) FS.

LAW IMPLEMENTED: 120.54(5) FS.

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

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: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.018 Uniform Rules of Procedure.

~~The Uniform Rules of Procedure are adopted.~~

Specific Authority 408.15(8) FS. Law Implemented 120.54(5) FS. History--New 6-3-93, Amended 2-6-96, 7-21-96, 4-12-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NO.: 59-1.024
RULE TITLE: Judicial Review

PURPOSE AND EFFECT: Repeal of the rule concerning appeals of agency final orders.

SUMMARY: Repeal of the rule concerning appeals of agency final orders.

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: 408.15(8) FS.

LAW IMPLEMENTED: 59.081, 120.52(7), 120.54(5), 120.68 FS.

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

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: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.024 Judicial Review.

~~(1) An appeal of a Final Order is initiated by filing a Notice of Appeal within thirty (30) days of rendition of the Final Order. An order is rendered on the date it is filed in the Office of the Agency Clerk.~~

~~(2) The original of the notice is filed with the agency clerk; a copy of the notice and the filing fee is filed with the appropriate District Court of Appeal.~~

~~(3) The service charge for compiling, numbering, and indexing the agency record for the appellate proceeding is forty cents (\$.40) per page excluding transcripts already bound and pagged by a court reporter, and exhibits already bound and pagged by a party.~~

Specific Authority 408.15(8) FS. Law Implemented 59.081, 120.52(7), 120.54(5), 120.68 FS. History--New 6-3-93, Amended 4-12-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NO.: 59-1.025
RULE TITLE: Dismissal of Administrative Complaint

PURPOSE AND EFFECT: Repeal of the rule concerning dismissal of administrative complaints.

SUMMARY: Repeal of the rule concerning dismissal of administrative complaints.

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: 408.15(8) FS.

LAW IMPLEMENTED: 120.53(1), 120.57 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.025 Dismissal of Administrative Complaint.

~~A proceeding initiated by a request for a Section 120.57, F.S. hearing to challenge an administrative complaint may be terminated by the agency's filing of a Notice of Dismissal of the administrative complaint.~~

Specific Authority 408.15(8) FS. Law Implemented 120.53(1), 120.57 FS. History--New 6-3-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NO.: 59-1.031 RULE TITLE: Default Orders

PURPOSE AND EFFECT: Repeal of the rule concerning default orders.

SUMMARY: Repeal of the rule concerning default orders.

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: 408.15(8) FS.

LAW IMPLEMENTED: 120.53(1) FS.

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

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: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.031 Default Orders.

~~(1) For the purposes of this section, a Default Order is an order imposing a sanction sought in an administrative complaint where there has been no request for an adjudicatory hearing pursuant to Section 120.57, F.S. A Default Order shall deem the allegations of the administrative complaint to be admitted and impose the sanction sought in the administrative complaint.~~

~~(2) A Default Order is rendered when signed and dated by the Deputy Director of the division which issued the administrative complaint.~~

Specific Authority 408.15(8) FS. Law Implemented 120.53(1) FS. History--New 6-3-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NO.: 59-1.062 RULE TITLE: Procurement for Minority Business Enterprises

PURPOSE AND EFFECT: Repeal of the rule concerning procurement for minority business enterprises.

SUMMARY: Repeal of the rule concerning procurement for minority business enterprises.

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: 287.0947(2) FS.

LAW IMPLEMENTED: 287.042 FS.

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

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: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3,

Tallahassee, Florida 32308, (850)922-5873. 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.062 Procurement for Minority Business Enterprises.

~~The Agency for Health Care Administration will make a good faith effort to comply with the procurement goals prescribed by Section 287.042(4)(f), F.S., for the purpose of utilizing certified minority business enterprises (CMBEs) as defined in Section 288.703(2), F.S. The following practices will be adhered to in order to assure proper utilization of CMBEs.~~

~~(1) The Chief of the Bureau of Support Services shall serve as the minority enterprise assistance officer and will oversee the agency's minority business enterprise utilization plan.~~

~~(2) The Chief of the Bureau of Support Services shall assure that agency staff responsible for initiating the purchase of commodities and services are provided with training to assure that they are aware of the agency's commitment to the use of CMBEs and the procedures necessary to assure proper representation by CMBEs in any bid process or other method of selecting a provider.~~

~~(3) Each budget entity within the agency shall establish the goal of assuring that at least 50% of all services provided by travel agencies shall be provided by CMBEs.~~

~~(4) Each budget entity within the agency is required to determine the feasibility of using a CMBE prior to forwarding any requisition for commodities or services to the agency's purchasing agent. This review shall include the possibility of dividing any large contracts into smaller contracts more appropriate to the resources of CMBEs.~~

~~(5) The agency's purchasing agent shall review each requisition for commodities and services to assure that CMBE vendors are contacted for bids or quotes whenever feasible.~~

~~(6) The agency's purchasing agent shall assist any minority business enterprise doing business with the agency to become certified by providing the forms required for certification by the Department of Management Services.~~

~~(7) At the beginning of each fiscal year, the agency shall select anticipated contracts for commodities or services which will be reserved for competitive bidding only among certified minority business enterprises.~~

Specific Authority 287.0947(2) FS. Law Implemented 287.042 FS. History—New 8-17-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.: RULE TITLES:
59E-8.001 Determination of Fees
59E-8.002 Price List

PURPOSE AND EFFECT: The proposed rule will establish fees for information services of the Florida Center for Health Information and Policy Analysis. The fees will be based on time required to analyze the request and write the query, and the time required to access, merge, validate, and prepare the information for delivery to the requester. The proposed rule development will incorporate by reference the Florida Center for Health Information and Policy Analysis Price List.

SUMMARY: The agency is proposing a rule that will establish new Rules 59E-8.001 and 59E-8.002, F.A.C., providing for the fees to be charged for information services provided by the Florida Center for Health Information and Policy Analysis.

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: 408.15(8) FS.

LAW IMPLEMENTED: 408.05(7)(c) FS.

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

DATE AND TIME: October 16, 2007, 10:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee Florida 32308

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: Cheryl Barfield at (850)414-5422. 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: Cheryl Barfield at (850)414-5422

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-8.001 Determination of Fees.

(1) The Florida Center for Health Information and Policy Analysis will periodically, but no less frequently than biannually, calculate the average time required to access, merge, validate, and prepare standard information sets for delivery to the requester. These average times will be used to establish the fees for information services described in the Price List.

(2) Requests for information not addressed in the Price List, ad hoc custom requests, will be priced based on the time required to analyze the request and write the query, and the time required to access, merge, validate and prepare the information for delivery to the requester.

Specific Authority 408.15(8) FS. Law Implemented 408.05(7)(c) FS. History--New

59E-8.002 Price List.

(1) The Price List of the Florida Center for Health Information and Policy Analysis is posted at: www.floridahealthstat.com/order.shtml.

(2) The Price List dated 7.1.07 is incorporated by reference as AHCA Form FC4200-003.

Specific Authority 408.15(8) FS. Law Implemented 408.05(7)(c) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Eastman, Interim Bureau Chief, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee Florida 32308

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew C. Agwunobi, M.D., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.003
RULE TITLE: Public Liability Insurance

PURPOSE AND EFFECT: The purpose and effect is to eliminate the aggregate amount of public liability and property damage for certain contractor specialties and add new contractor specialties and their respective aggregate amount of public liability and property damage required.

SUMMARY: The aggregate amount of public liability and property damage for certain contractor specialties is eliminated and new contractor specialties and their respective aggregate amount of public liability and property damage required is 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: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.003 Public Liability Insurance.

(1) No change.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) through (g) No change.

(h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$300,000	\$50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Residential Solar Water Heating Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
<u>Solar Contractor</u>	<u>100,000</u>	<u>25,000</u>
Specialty Structure Contractor	100,000	25,000
Pollutant Storage System Specialty Contractor	100,000	25,000
Gypsum Drywall Specialty Contractor	100,000	25,000
Solar Contractor	100,000	25,000
Gas Line Specialty Contractor	100,000	25,000
Glass and Glazing Specialty Contractor	100,000	25,000
Swimming Pool Specialty Contractor	100,000	25,000
<u>Specialty Contractors</u>	<u>100,000</u>	<u>25,000</u>

Unless specified otherwise

- (i) through (l) No change.
- (3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, 11-13-03, 11-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.015
 RULE TITLE: Certification of Specialty Structure Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Specialty Structure Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Specialty Structure Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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, 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.015 Certification of Specialty Structure Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of specialty structure contractors.

(2) No change.

(3) Certification procedures and fees for Specialty Structure Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications.~~

~~1. Any person who desires to become a certified specialty structure contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing to take the certification examination.~~

~~2. A person shall be entitled to take the certification examination if the person:~~

~~a. Is eighteen (18) years of age;~~

~~b. Is of good moral character; and~~

~~e. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2. or 3., F.S.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified specialty structure contractors shall be the same as those provided for the certification of other contractors as defined in Part I, Chapter 489, F.S. The amount of liability insurance required for specialty structure contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 489.113(6), 489.115(4) FS. Law Implemented 120.53, 489.113(6), 489.115(4) FS. History—New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96, 4-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.017
RULE TITLE: Certification of Gypsum Drywall Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Gypsum Drywall Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S. and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Gypsum Drywall Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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, 455.217(1), 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.017 Certification of Gypsum Drywall Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of gypsum drywall specialty contractors.

(2) No change.

(3) Certification ~~p~~Procedures and fees for Gypsum Drywall Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications.~~

~~1. Any person who desires to become a certified gypsum drywall specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.~~

~~2. A person shall be certified as a gypsum drywall specialty contractor if said person:~~

~~a. Is eighteen (18) years of age;~~

~~b. Is of good moral character;~~

~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2., or 3., F.S.; and~~

~~d. Takes and successfully completes the examination for certification as a gypsum drywall specialty contractor.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified gypsum drywall specialty contractors shall be the same as those provided for the certification of other contractors as defined in Part I, Chapter 489, F.S. The amount of liability insurance required for gypsum drywall specialty contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS.
Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4) FS.
History--New 5-23-89, Formerly 21E-15.017, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.018
RULE TITLE: Certification of Glass and Glazing Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Glass and Glazing Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Glass and Glazing Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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, 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.018 Certification of Glass and Glazing Specialty Contractors

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of glass and glazing specialty contractors in residential and commercial applications without any height restrictions.

(2) No change.

(3) Certification ~~p~~Procedures and fees for Glass and Glazing Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications.~~

~~1. Any person who desires to become a certified glass and glazing specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.~~

~~2. A person shall be certified as a glass and glazing specialty contractor if said person:~~

- ~~a. Is eighteen (18) years of age;~~
- ~~b. Is of good moral character;~~
- ~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and~~
- ~~d. Takes and successfully completes the examination for certification as a glass and glazing specialty contractor.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified glass and glazing specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(h) and 61G4-15.005(3)(a), F.A.C., for this specialty.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(5) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(5) FS. History—New 7-9-03, Amended 11-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.026	Certification of Gas Line Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Gas Line Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Gas Line Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required

by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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, 455.217(1), 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.026 Certification of Gas Line Specialty Contractors

(1) Scope of Rule. The purpose of this rule is to provide for the certification of gas line specialty contractors.

(2) No change.

(3) Certification procedures and fees for Gas Line Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

(a) Qualifications.

~~1. Any person who desires to become a certified gas line specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation on the Application for Certification Examination supplied by the Department.~~

~~2. A person shall be certified as a gas line specialty contractor if said person:~~

- ~~a. Is eighteen (18) years of age;~~
- ~~b. Is of good moral character;~~
- ~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2., or 3., F.S.; and~~
- ~~d. Takes and successfully completes the examination for certification as a gas line specialty contractor.~~

~~(b) Other Certification Procedures and Fees.~~

~~Other certification procedures and fees for certified gas line specialty contractors shall be the same as those provided for the certification of other contractors as defined in Part I,~~

~~Chapter 489, F.S., and as provided in paragraph 61G4-12.009(5)(b), F.A.C. The amount of liability insurance required for gas line specialty contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 FS. History—New 10-17-93, Amended 7-19-95, 7-1-96, 7-7-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.027
RULE TITLE: Pollutant Storage System Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Pollutant Storage System Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S. and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Pollutant Storage System Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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: 489.108, 489.113(3), (7), 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 489.113(3), (7), (8), 489.115(4), (5), 489.133, 455.213 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.027 Pollutant Storage System Specialty Contractors

(1) Scope of Rule: The purpose of this rule is to provide for the certification of pollutant storage system specialty contractors.

(2) Certification ~~p~~Procedures and fees for Pollutant Storage System Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications.~~

~~1. Any person who desires to become a certified pollutant storage specialty contractor shall apply to the Board in writing on form BPR/CILB/001, supplied by the Department.~~

~~2. A person shall be certified as a pollutant storage system specialty contractor if said person:~~

~~a. Is at least eighteen (18) years of age; and~~

~~b. Takes and successfully completes the state examination for certification as a pollutant storage system specialty contractor; or~~

~~c. Takes and successfully completes either a local licensure examination, a licensure examination of another state, or a licensure examination of a national organization which has been judged by the Board to be equal to or more stringent than the state pollutant storage system specialty contractor certification examination pursuant to Section 489.133(4)(e), F.S.~~

~~(b) Other certification procedures and fees: other certification procedures and fees for certified pollutant storage system specialty contractors shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for pollutant storage system specialty contractors shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for licensure shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of \$10,000.00.~~

(3) No change.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133 FS. Law Implemented 489.113(3), (7), (8), 489.115(4), (5), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Construction Industry Licensing
Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
RULE TITLE: Continuing Education Requirements
for Certificateholders and
Registrants

PURPOSE AND EFFECT: The purpose and effect is to revise
and update the continuing education requirements for all
registered and certified contractors.

SUMMARY: The continuing education requirements for all
registered and certified contractors is revised and updated.

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: 455.213(6), 455.2177, 455.2178,
455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177,
455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: G. W. Harrell, Executive Director,
Construction Industry Licensing Board, Northwood Centre,
1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for
Certificateholders and Registrants.

(1) No change.

(2) All registered contractors and certified contractors are
required to complete fourteen (14) hours of continuing
education each renewal cycle. Of the fourteen (14) hours, one
(1) hour shall be required in each of the following topics:

(a) ~~S~~Specialized or advanced module course approved by
the Florida Building Commission, or the Board;

(b) ~~W~~Workplace safety;

(c) ~~B~~Business practices;

(d) ~~W~~Workers' compensation;

(e) ~~and until October 1, 2011, three (3) hours shall be
required in courses related specifically to L~~Laws and rules
regulating the construction industry;

(f) Wind mitigation methodologies, if license is held in the
following category: General, Building, Residential, Roofing,
Speciality Structure, or Glass and Glazing.

The remaining seven (7) hours may include any of the
aforementioned subject matter or general topics as defined
hereinafter.

(3) The content of Board approved courses must be
business, trade, workers' compensation, laws and rules related
to the construction industry, or safety topics relevant to the
construction industry. For purposes of this rule:

(a) Business practice topics include bookkeeping and
accounting practices; managing cash flow; estimating and
bidding jobs; negotiating and interpreting contracts and
agreements; processing change orders; controlling purchasing;
scheduling; controlling expenses; insurance and bonding
related to construction; complying with payroll and sales tax
laws; interpreting financial statements and reports related to
construction; complying with Florida laws and rules related to
construction, and Chapter 713, Part I, F.S.

(b) Trade related courses may be used to satisfy the
"general" requirements. These courses may include topics
considered as contract administration and project management
activities, including ~~marketing~~, management and operation of
the day-to-day activities of a construction contracting firm and
advanced knowledge of the trade in which the contractor is
licensed. Examples include, but are not limited to:
preconstruction activities, including design and structural
loading; project contracts; permits; plan and specification
approvals; construction procedures and operations; methods,
materials, tools and equipment as codified in the CSI 16
Division Format or ASTM; maintenance and service; reading
plans and specifications; code updates pursuant to Chapter 553,
F.S., and related statutes.

(c) through (e) No change.

(f) Wind mitigation methodology, as limited to those
topics listed in Section 553.844(2)(b)1.-5., F.S. (2007).

(4) through (12) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179,
489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6),
455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.
History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94,
1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00,
3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07, _____.

64B15-12.0075 Requirements for Reactivation of Retired Status License.

A retired status license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B15-10.0033, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of a retired status license, a physician must:

(a) Submit documentation of successful completion of twenty (20) hours per year of continuing medical education courses which comply with the requirements of Rule 64B15-13.001, F.A.C., for each year of retired status;

(b) Document compliance with the financial responsibility requirements of Section 459.0085, F.S., and Rule Chapter 64B15-20, F.A.C.; and

(c) Document compliance with Section 456.033, F.S.

(2) Any osteopathic physician whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of osteopathic medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) Demonstrate compliance with subsection (1) above;

(b) Demonstrate successful completion of the COMVEX examination within the year immediately preceding the appearance before the Board; and

(c) Account for any activities related to the practice of osteopathic medicine during the period that the licensee was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(3) The Department shall refuse to reactivate the license of a retired status osteopathic physician who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New _____.

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 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:

64B20-2.003 Provisional License; Requirements

PURPOSE AND EFFECT: In this amendment, the Board proposes to clarify when a provisional license expires.

SUMMARY: The time a provisional license expires is clarified.

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: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

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

64B20-2.003 Provisional License; Requirements.

(1) through (4) No change.

(5) A provisional license shall be valid for a period of 18 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S., is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History—New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended _____.

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: August 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-503.005
 RULE TITLE: Notice to the Department of Mailing Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Department is creating a new rule to comply with a statutory requirement.

SUMMARY: The rule defines “mailing address” and “place of practice” and it advises licensees how to provide written and electronic notification of a change.

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: 456.035 FS.

LAW IMPLEMENTED: 456.035 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: Susan Love, Executive Director, 4052 Bald Cypress Way, Bin #C-05, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-503.005 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “mailing address” means home address or P. O. Box where the licensee regularly receives mail. “Place of practice” means the primary physical location where the school psychologist works or practices the profession of school psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days of the change. Written notice shall be provided to: Call Center, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399 or electronic notice to Medical Quality Assurance@doh.state.fl.us.

(3) If electronic notification is used, it is the responsibility of the licensee to ensure that the information is received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Love

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE NO.: 69L-6.009
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise DWC 250, Notice of Election to Be Exempt, and its accompanying instructions, to adopt DWC 252, Certificate of Election to Be Exempt, and to update addresses for field offices for the Division of Workers’ Compensation’s Bureau of Compliance. The amendment revises Section 4 of both the form and instructions, deleting a request for an applicant’s “Business Mailing Address” and replacing it with a request for an “Address of Record”. The effect of the amendment is to provide additional guidance to applicants regarding the necessity of maintaining a consistent and reliable address for the purpose of receiving time-sensitive legal notices, documents, and communications from the Department, and to advise the public of correct field office information for the Division of Workers’ Compensation’s Bureau of Compliance.

SUMMARY: Updates Form DWC-250 and its instructions, and field office addresses of the Division of Workers’ Compensation’s Bureau of Compliance.

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: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 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, October 16, 2007, 10:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle Southeast, 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: Andrew Sabolic, phone (850)413-1600. 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: Andrew Sabolic, Assistant Division Director, Division of Worker’s Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby incorporated by reference for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. ~~2/07~~); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. ~~2/07~~).

921 North Davis Street, Building B
Suite 250
Jacksonville, FL 32209
Telephone ~~(904)~~(850)798-5806

2012 Capital Circle, S. E.
Suite 102, Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850)413-1609

610 East Burgess Road
Pensacola, FL 32504-6320
Telephone (850)453-7804

499 N.W. 70th Avenue
Suite 116
Plantation, FL 33317
Telephone (954)321-2906

1313 North Tampa Street
Suite 503
Tampa, FL 33602
Telephone (813)221-6506

400 West Robinson Street
Suite N 512, North Tower
Orlando, FL 32801
Telephone (407)835-4406 or (407)245-0896

Specific Authority 440.05, 440.591 FS. Law Implemented 440.05 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, _____.

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, revised 2/00.

(e) DWC 252 Certificate of Election to be Exempt, (eff. _____).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers’ Compensation website at: www.fldfs.com/WC/ or from any field office, unless otherwise limited to direct issuance by the Division. The forms may be obtained from any field office of the Division of Workers’ Compensation, Bureau of Compliance.

(3) The field offices of the Division of Workers’ Compensation, Bureau of Compliance, are:

1111 N. E. 25th Avenue, Suite 403
Ocala, FL 34470
Telephone (352)401-5350

3111 South Dixie Highway
Suite 123
West Palm Beach, FL 33405
Telephone (561)837-5716

4415 Metro Parkway
Suite #300
Ft. Myers, FL 33916
Telephone (239)938-1840

~~Live Oak Business Center-1718 Main Street
5969 Cattlemen Lane Suite #201
Sarasota, FL 342326
Telephone (941)329-1120361-6042~~

401 N.W. 2nd Avenue
South Tower, Suite 321
Miami, FL 33128
Telephone (305)536-0306

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF FINANCIAL SERVICES**Division of Workers' Compensation**

RULE NO.: 69L-6.012
 RULE TITLE: Notice of Election to be Exempt

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to revise guidelines which relate to an employer's submission to the Department of a Notice of Election to be Exempt, a Notice of Election of Coverage, and the subsequent issuance, denial, revocation, and maintenance of a Certificate of Election to be Exempt. The amendment also deletes language and provisions no longer applicable as a result of changes to Chapter 205, F.S. The effect of the rule amendment is promote compliance by those employers applying for exemptions from the coverage requirements of Chapter 440, Florida Statutes by providing them with updated guidelines regarding the process.

SUMMARY: Updates the Notice of Election to Be Exempt and the Certificate of Election to Be Exempt issued by the Department, and revises guidelines applicable to the process of obtaining exemptions from the Division of Workers' Compensation.

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: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 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, October 16, 2007, 10:30 a.m.

PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, 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: Andrew Sabolic, phone (850)413-1600. 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: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to be Exempt.

(1)(a) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of valid Certificates of Election to be Exempt as stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt (DWC 250), as incorporated by reference in Rule 69L-6.009, F.A.C. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt (DWC 252), as incorporated by reference in Rule 69L-6.009, F.A.C., to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), ~~as adopted in Rule 69L-6.009~~, must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

(2) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.

(3) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to Be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(a)(b)~~ The certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer; if the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt.

~~(b)(c)~~ The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable;

~~(c)(d)~~ The Social Security Number or the individual taxpayer identification number of the applicant;

~~(d)(e)~~ The Florida Department of State, Division of Corporations, registration number of the corporation or limited liability company, as applicable, named on the Notice of Election to be Exempt;

~~(e)(f)~~ For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant by the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)~~(e)(f)~~, the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, and the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

~~(f)(g)~~ For members of a limited liability company, documentation establishing the number of units of membership, or a ~~notarized~~ statement reflecting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

~~(g)(h)~~ The business(es) or trade(s) of the applicant;

~~(h)(i)~~ The applicant's corporate officer title or member status;

~~(i)(j)~~ The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

~~(j)(k)~~ The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member;

(k) The applicant's address of record.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt (DWC 250) that is filed with the Department. If an applicant's payment is returned to the Department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt (DWC 252) was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the Department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

(5) For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated corporations or business entities, the Department shall deny any Notice of Election to be Exempt (DWC 250) that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities.

(6) For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state~~

~~of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;~~

~~(a)(b)~~ The Federal Employer Identification Number issued to the corporation;

~~(b)(e)~~ The Social Security Number or the individual taxpayer identification number of the applicant;

~~(c)(d)~~ The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;

~~(d)(e)~~ The applicant's corporate officer title; and

~~(e)(f)~~ The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

~~(f)(g)~~ The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer;-

~~(g)~~ The business(es) or trade(s) of the applicant;

~~(h)~~ The applicant's address of record.

(7) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt (DWC 250) is mailed or otherwise returned by the Department to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt, at which time the Notice of Election to be Exempt shall be processed without any additional processing fee. The Ddepartment shall deny the Notice of Election to be Exempt if the applicant fails to file with the Ddepartment the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the Ddepartment receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt (DWC 252) is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Ddepartment, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the Ddepartment receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Ddepartment, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Ddepartment, whichever is earlier. Any duplicate Certificate of Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Ddepartment receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Ddepartment, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Ddepartment, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the Ddepartment receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Ddepartment, or 30 days after the date the Notice of Election to be Exempt is received by the Ddepartment, whichever is earlier. If the Department receives a new Notice of Election to be Exempt that lists a corporate officer that currently has a valid Certification of Election to be Exempt with the same corporation or limited liability company, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier; and the current Certification of Election to be Exempt shall be null and void as of the issue date of the new Certification of Election to be Exempt.

(8) Any Notice of Election to be Exempt (DWC 250) which is returned to the applicant by the Department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S. and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9) Any corporate officer or member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry who has been issued a Certificate of Election to be Exempt (DWC 252), may revoke such certificate by filing with the Department a Revocation of Election to be Exempt (DWC 250-R), as incorporated by reference adopted in Rule 69L-6.009, F.A.C. The issue date of a Revocation of Election to be Exempt is the date the revocation is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election to be Exempt is received by the Department, whichever is earlier.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt (DWC 252) or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the Department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(12) The issue date of a Notice of Election of Coverage (DWC 251), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Notice of Election of Coverage is received by the Department, whichever is earlier.

(13) The issue date of a Revocation of Election of Coverage (DWC 251-R), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election of Coverage is received by the Department, whichever is earlier.

(14) The person named on the Certificate of Election to be Exempt (DWC 252) shall have the duty to notify the Department of any change to the person's address of record listed on the Certificate of Election to be Exempt, the dissolution or reinstatement of the corporation or limited liability company named on the Certificate of Election to be Exempt, or when the person named on the Certificate of Election to be Exempt is no longer a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt.

(15) Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the

Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History–New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.003	Rate Filing Procedures
69O-149.005	Reasonableness of Benefits in Relation to Premiums
69O-149.007	Annual Rate Certification (ARC) Filing Procedures

PURPOSE AND EFFECT: The purpose of the rule is to establish standards for ascertaining the reasonableness of benefits in relation to premium rates.

SUMMARY: The rule establishes standards that are to be used by insurers in filing health insurance policy forms.

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, 626.9611 FS.

LAW IMPLEMENTED: 624.318, 627.410, 626.9611 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: October 18, 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: Linda Ziegler, Chief of Staff Office, Office of Insurance Regulation, E-mail BelyndaShadoan@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: Linda Ziegler, Chief of Staff Office, Office of Insurance Regulation, E-mail Belynda Shadoan@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-149.003 Rate Filing Procedures.

(1)(a) Pooling. For purposes of submitting a rate filing under this part for individual policy forms and for group Medicare supplement and long-term care group policy forms, in order to encourage adequate risk sharing for all generations of policyholders, the experience of all policy forms providing similar benefits, whether open or closed, shall be combined.

1. Separate rating pools may be used for policy forms defined in subsections 69O-149.005(5) and (6), F.A.C., and for stop-loss insurance policy forms.

2. Once policy forms have been combined, they remain so for all rating purposes, unless otherwise approved by the Office. This combining of the experience of policy forms is referred to as pooling. All policy forms within a pool are reviewed based on the analysis of the aggregate experience.

3. The same percentage rate adjustment shall be applicable to all policy forms within the pool.

4. In lieu of subparagraph 3. above, percentage rate adjustments that are not the same for all policy forms within the pool shall be permitted subject to the following:

a. Resulting premium rate schedules are actuarially equivalent based on benefit differences or different regulatory standards, such as margins or retentions, between the policy forms within the pool;

b. Assumptions used to determine future experience and actuarial equivalence shall be based on the same set of common morbidity assumptions for all policy forms within the pool;

c. Policy forms with existing premium rate schedules not meeting the standards of sub-subparagraphs a. and b. above shall not be required to reduce rates to bring the policy forms into compliance, but any proposed rate adjustment shall be required to improve the relationship of the policy forms' premium rate schedules to bring them closer to compliance with sub-subparagraphs a. and b. above; and

d. Non-uniform rate increases shall be subject to the implementation provisions of sub-sub-subparagraph 69O-149.006(3)(b)20.b.(V), F.A.C., on a revenue neutral basis as though a level percentage adjustment had been applied.

5. The experience of policies and policy forms where the rate schedule is not subject to change, such as non-cancellable policy forms and paid up policies, shall not be pooled with policy forms where the rates are subject to change.

6. The rate increase for a Medicare supplement form may be adjusted, on a revenue neutral basis, to mitigate the impact on the refund credit calculation required for the form pursuant to Rule 69O-156.011, F.A.C., where the company can demonstrate that without such adjustment, the rate increase will result in refunds being required.

7. Notwithstanding the provisions of subsection 69O-149.0025(22), F.A.C., the experience of all policy forms with at least 50% of expected claims costs within the form at the time of the filing attributed to cancer claims and claims related to the cancer treatment shall be combined.

(b) Credibility. In analyzing the experience of policy forms, and to improve the statistical credibility and predictability of anticipated experience, credible data shall be used.

(2) Filing Format for Individual Policies and Group Policies and Certificates.

(a)1. All filings shall be made in accordance with paragraph (b) below.

2a. For purposes of the rules in this part and the time periods in Section 627.410, F.S., a filing is considered "filed" with the Office upon the receipt of the material required by paragraph (b), on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the following business day.

b. For purposes of the rules in this Part, the term "filed" does not mean "approved." The term "filed" refers to the date on which the filing is filed with the Office and is the date on which the approval process of Section 627.410, F.S., commences.

c. Filings shall be made on a company distinct basis.

(b) A health insurance rate filing shall consist of the following items:

1. A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new policy form, a benefit revision, a rate revision, justification of existing rates, or a resubmission. If the filing is a resubmission, the letter shall indicate the Florida filing number of the prior filing.

2. Form OIR-B2-1507, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter" as adopted in Rule 69O-149.022, F.A.C., completely filled out in accordance with Form OIR-B2-1507A, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet" as adopted in Rule 69O-149.022, F.A.C.

3. The actuarial memorandum, completed as required by Rule 69O-149.006, F.A.C.

4. Rate pages that define all proposed rates, rating factors and methodologies for determining rates applicable in the state. For companies that have a complete rate manual on file with the Office, only the pages that are being changed need to be filed, unless requested by the Office.

(3) Filings shall be submitted electronically to <https://portal.fldfs.com/>.

(4)(a) Every insurer submitting a rate filing shall be notified as to whether the filing has been affirmatively approved by the Office or has been disapproved by the Office within any statutory review period of the date of receipt of the filing.

(b) Submissions that do not include the required material to meet the definition of a filing, or that include material that is illegible, shall not be accepted and shall be returned as incomplete without processing.

(c) Every insurer submitting a rate filing which does not comply with the requirements of Rules 69O-149.002 through .006, F.A.C., or for which the Office determines that additional information is necessary for a proper review, will be notified of the additional information necessary within the statutory limit. Every insurer shall submit the required data by a date certain stated in the clarification letter, to allow the Office sufficient time to perform a proper review. Failure to correct the filing by the date certain in the clarification letter will result in an affirmative disapproval of the filing by the Office.

(5)(a) Insurers with fewer than 1,000 Florida policyholders, under any form or pooled group of Medicare supplement, or medical expense forms with coverage meeting the definition of Section 627.6561(5)(a)2., F.S., may, at their option, file a streamlined rate increase filing not exceeding medical trend as provided in subsection (6) below.

(b) The number indicated in paragraph (5)(a) above represents the individual primary insureds and does not include spouses or dependants.

(c) For group coverage, the number indicated in paragraph (5)(a) above represents the individual certificateholders or subscribers.

(d) For Medicare supplement business, this provision applies for each type considered separately: Standard, Pre-standard and Select Medicare supplement coverage.

(e) The filing:

1. Shall be made in accordance with paragraph 69O-149.003(2)(b), F.A.C.; and

2. Shall provide a certification that the filing includes all forms with similar benefits in lieu of the actuarial memorandum referenced in subparagraph 69O-149.003(2)(b)3., F.A.C.

(f) This provision is an option available to the company. The company may choose, at its option, to make a complete filing in accordance with paragraph 69O-149.003(2)(b), F.A.C., including a complete actuarial memorandum in accordance with Rule 69O-149.006, F.A.C.

(6) No change.

Specific Authority 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, 12-22-05, _____.

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) No change.

(2) A premium schedule is not excessive if the following are true:

(a) For a new policy form, group or individual,

1. the anticipated loss ratio is not less than the indicated adjusted entry in the loss ratio tables, in subsection (4), below.

2. The insurer does not knowingly price any individual rate within the rate schedule to be charged to an insured to be excessive.

(b)1. For individual forms, and group policy forms other than annually rated group policy forms, approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following:

a. An Anticipated Loss Ratio test such that the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form. This is equivalent to the present value of the future A/E ratio not being less than 1.0; and

b. The current lifetime loss ratio, as defined in subparagraph 69O-149.006(3)(b)24., F.A.C., is not less than the initial filed loss ratio for the form as may be subsequently amended and approved pursuant to this rule chapter.

2. For annually rated group policy forms, the target loss ratio is not less than the loss ratio anticipated in the current premium schedule, as may be subsequently amended and approved pursuant to this rule chapter.

(c) For an existing Individual Policy Form issued up to 6/1/94 for forms approved prior to 2/1/94, the Premium Schedule satisfies subparagraphs 1. and 2., below:

1. The anticipated Loss Ratio is not less than the initial filed loss ratio; and

2. The current lifetime Loss Ratio is not less than the initial filed loss ratio.

(d) For an existing group policy form issued up to 6/1/94 for forms approved prior to 2/1/94, the anticipated loss ratio is not less than the appropriate adjusted entry in the loss ratio tables in subsection (3), below.

(3) Loss Ratios for Individual Policies and Group Certificates issued up to 6/1/94 for forms approved prior to 2/1/94. The loss ratios in the table in paragraph (d), below, are adjusted pursuant to paragraph (a), (b), or (c), below, where

$$I = (\text{CPI-U, year N-1})/103.9$$

N-1 is the calendar year immediately preceding the calendar year (N) in which the rate filing is submitted in Florida, and

CPI-U is the consumer price index for all urban consumers, for all items and for all regions of the U.S. combined, as determined by the U.S. Department of Labor, Bureau of Labor Statistics; and the CPI-U for any year is the value as of September.

(a) If the average annual premium per individual policy or group certificate, (X), is less than \$ 300xI, then the minimum loss ratio is adjusted to R' by the following formula: $R' = R \times ((800xI + X)/(1100xI))$, where the reduction cannot exceed 10 percentage points.

(b) If the average annual premium per individual policy or group certificate, (X) exceeds \$ (I*2000), then the minimum loss ratio is adjusted to R' by the following formula: $R' = R \times ((I*9000)+X)/(I*11000)$. R' cannot exceed R by more than 10 percentage points.

(c) For group insurance certificates, there is an additional adjustment R''.

1. For E greater than 0 and less than or equal to 100

$$R'' = R' \times ((550 + E) / 550)$$

2. For E greater than 100

$$R'' = R' \times ((6400 + E) / 5500)$$

3. E is normally the average number of certificateholders in a group rating class.

4. However, where a group is composed of subgroups, e.g., multiple employer trusts, E is the average number of certificateholders per subgroup. Where a group is composed of certificateholders issued as a result of solicitations of individuals through the mail or by mass media advertising, including both print and broadcast advertising, E shall be 50. In no event will R'' be greater than 80%. The average annual premium (X) shall be per certificate under a group policy and shall be estimated by the insurer based on an anticipated distribution of business considering all significant criteria having a rate difference. Such estimate shall assume an annual mode for all certificates, i.e., the fractional premium loading shall not affect the average annual premium or anticipated loss ratio calculation. The value of X shall be determined on the basis of the rates being filed.

(d) Loss Ratio Table:

Renewal Clauses	Loss Ratio in %
Optionally Renewable	60
Conditionally Renewable	55
Guaranteed Renewable	55
Non-cancelable	50
Non-renewable	50

(4) Loss Ratios for Individual Policies and Group Certificates approved on or after 2/1/94 or issued on or after 6/1/94. These tables are not applicable to Medicare Supplement or Long-Term Care Policy Forms. The minimum loss ratios for those policy forms are found in Rule Chapters 690-156 and 690-157, F.A.C., respectively.

(a) The loss ratios in the tables below are adjusted in accordance with the following formula, where

R = the loss ratio from the table,

A = the average annual premium per individual policy or per group certificate,

R' = the adjusted loss ratio, and

I is as defined in subsection 690-149.005(3), F.A.C.

Then $R' = (A-25I)R/A$ and R' cannot be more than 10 percentage points less than R, for coverage with at least 12 months and pro rata for coverage with less than 12 months, nor less than 50 percent; except R' cannot be less than 45 percent as to accident only non-cancellable policies.

(b) Loss Ratio Table – Group Policy Forms

	Medical Expense	Medical Indemnity or any policy with an average annual premium per certificate less than \$1000
Group Size	Loss Ratio	Loss Ratio
Fewer than 51 certificates	65%	57.5%
51 through 500 certificates	70%	62.5%
All others	75%	67.5%

(c)1. Loss Ratio Table – Individual and Stop-loss Policy Forms.

	Medical Expense	Medical Indemnity, Loss of Income
Renewal Clause	Loss Ratio %	Loss Ratio
Non-Cancellable	55%	50%
Non-Renewable	60%	55%
Guaranteed	65%	60%
Renewable		
All Other	70%	65%
Minimum Acceptable	55%	50%

2. For purposes of determining the minimum required loss ratio for stop-loss policies, the average annual premium for purposes of determining the R' above, shall be the average premium per employee covered by the employer's stop-loss policy.

(5)(a) Group conversion insurance, other than long-term care and medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above.

(b) The loss ratio for group conversion insurance shall not be less than 120 percent.

(c) The insurer may charge the excess of the group conversion loss ratio over that required for group insurance on active lives to the experience for insurance on active lives.

(d) The premium to be charged for group conversion insurance subject to Section 627.6675, F.S., shall not exceed the limits of Section 627.6675(3), F.S., based on the standard risk rates as established in Part X of this rule chapter.

(6) Blanket Insurance is exempt from the loss ratios required above. The minimum loss ratio for blanket insurance is 65%.

(7) As provided by Section 627.411(3)(a), F.S., the minimum loss ratio in the above tables for health insurance coverage as described in Section 627.6561(5)(a)2., F.S., shall be at least 65 percent.

(8) Anticipated loss ratios lower than those otherwise required by this part shall not be permitted unless the insurer demonstrates that the proposed loss ratios are in accordance with sound actuarial principles; do not result in unfair discrimination in sales practices; and are otherwise in substantial compliance with the requirements of this part.

(9) A premium schedule shall not be disapproved on the grounds of inadequacy if:

(a) The expected profit margin on the policy form is non-negative. This margin equals the sum of premium income and investment income, minus the sum of benefit payments, expenses, taxes and contingency margins;

(b) The premium schedule incorporates for the entire future lifetime of the policy, the projected entire effects of insurance trend; and

(c) The premium schedule is determined such that if all assumptions are satisfied, the annual rate increases needed will not be greater than medical trend, as defined in subparagraph 69O-149.006(3)(b)18., F.A.C.

(10) A premium schedule is unfairly discriminatory if it incorporates any of the following:

(a) For all long term care policy forms and other policy forms under which more than 50 percent of the policies/certificates are issued to persons age 65 or older, attained age premium structures, are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

(11) Attained age rated individual medical expense health insurance coverage may incorporate into the rate schedule a rating factor that provides for a reapplication of the factor subsequent to the original issuance of the coverage, subject to the following:

(a) The factor shall be limited to those categories where an insured is able to qualify for the factor based solely on the insured's right to apply for the option at the time, such as continued discount for non-tobacco use;

(b) The determination for qualification of the factor shall be based on well-defined objective criteria;

(c) Health or claim status of the insured does not limit the ability of an individual to qualify for the factor;

(d) The factor shall be applied uniformly to all insureds;

(e) The timing of the redetermination of the factor shall be predetermined and disclosed in the policy. The application of the factor shall be in a nondiscriminatory manner; i.e., at every anniversary, at each third year anniversary, etc.;

(f) The availability, initial determination, redetermination, or value of the factor is not based on any health-status-related factors, as described in Section 627.65625(1), F.S., in relation to the individual or a covered dependant of the individual.

(12) through (13) No change.

(14) Rates charged for periods where a certification has been made to the office that the rates, at the time of the certification, met the standards of Florida law and promulgated rules and which after investigation by the office have been determined to fail to meet such standards, or are for periods where the insurer has failed to make the required annual filing, shall constitute an unfair and deceptive trade practice in violation of Section 626.9541(1)(e), F.S.

(a) In making the determination that the benefits are not reasonable in relationship to the rates charged for periods of time prior to the current experience period, the office shall make its determination based on the information used and relied upon by the actuary, as well as information that was available and pertinent to the determination, at the time the certification was made.

(b) For purposes of this rule, the office shall limit its investigation of rates to the period beginning twelve months subsequent to the date of the most recent rate filing explicitly approved by the office.

(c) If the office determines that such violation has occurred, then, in lieu of the office pursuing administrative action and remedies, including the penalties provided by Section 624.418, F.S.,

1. The insurer may agree that any subsequent rate increase to existing insureds shall be implemented over a period equal to the length of time the rates charged have failed to comply with the provisions of Section 627.410(6) or (7), F.S. and these rules.

2. The office will approve such lesser period requested by the insurer if the insurer demonstrates that:

(i) The larger rate increase due to the shorter period of time is consistent with the level of increases of other insurers currently marketing similar benefit plans.

(ii) The increase will not adversely affect policyholder persistency. Adverse persistency shall be determined if the lapse rate anticipated exceeds the lapse rate of the insurer for the prior year or if the lapse rate would exceed the lapse rate of insurers currently marketing similar benefit plans, and

(iii) The resulting rates are not in excess of the rates of other insurers currently marketing similar benefit plans.

3. Benefit enhancements, rate reductions, rate credits or refunds shall be determined to return the rates to a level that meet the standards of these rules.

Specific Authority 624.308(1), ~~626.9611~~, 627.410(6)(d), (e) FS. Law Implemented ~~624.307~~, ~~624.3161~~, ~~624.318~~, ~~624.418~~, 626.9541(1), ~~626.9561~~, ~~626.9641~~, 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175, ~~627.4238~~ FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04,_____.

69O-149.007 Annual Rate Certification (ARC) Filing Procedures.

(1) This rule applies to filings made pursuant to Section 627.410(7)(b)2., F.S., in which no rate change is proposed

(2) The filings required by this rule shall be on an individual company basis.

(3) This rule is not applicable for Medicare supplement coverage. Medicare supplement forms are subject to Rule 69O-149.003, F.A.C.

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years shall be exempt from the filing requirements of this rule.

(5) A filing shall consist of:

(a) A cover letter indicating the nature of the filing;

(b) Form OIR-B2-1507, as adopted in Rule 69O-149.022, F.A.C.; Form OIR-B2-1507, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter" as adopted in Rule 69O-149.022, F.A.C., completely filled out in accordance with Form OIR-B2-1507A, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet" as adopted in Rule 69O-149.022, F.A.C.; and

(c) A certification by an actuary, in accordance with subparagraph 69O-149.006(3)(b)28., F.A.C. and that based on current experience and projection assumptions, rates are not anticipated to increase over the next rating period.

(6)(a) A filing shall include only forms that are pooled together for rating purposes. Separate filings shall be made for separate rating pools.

(b) Forms that are pooled together for rating purposes should be submitted under a single ARC filing. The company may request that an ARC filing may be made for a form separate from the other forms within the rating pool. Making separate ARC filings for forms that would otherwise be considered combined for rating purposes does not constitute a change in the forms to be pooled for rating purposes. At the time any of the forms would be filed for a rate change, all forms shall be pooled as required by subsection 69O-149.003(1), F.A.C., regardless of how the forms were filed for ARC compliance.

(7) For noncredible blocks of business on a nationwide basis, the company may request a waiver of the requirement. The request shall be made annually and be accompanied by a letter indicating the nature of the filing, the type of product, and the reason for the request.

(8) When a company using a current rate schedule is unable to demonstrate that the minimum loss ratio standards in Rule 69O-149.005, F.A.C., are met, it shall reduce rates, enhance benefits, or a combination of both to satisfy the standards.

(a) A company may make a certification in compliance with this rule without such change to benefits or premiums if the A/E ratio for the past experience periods are, both in pattern and aggregate value, consistently at or in excess of .85.

(b) In determining the necessary adjustment, the company may assume up to a 15 percent margin in future projected claim costs and may target a future and lifetime actual to expected ratio of .85.

(9) A company may request exemption from all future ARC filings upon demonstration that the form or rating pool consists only of policy forms which are no longer available for sale and:

(a) The company has no other form with similar benefits that is currently available for sale,

(b) The accumulated experience from inception to date exceeds the required lifetime loss ratio standard for the form,

(c) The present value of future premiums is less than 10 percent of the accumulated value of past earned premiums or the data is 0 percent credible, and

(d) The company certifies that it will not increase premiums in the future.

(10) All filings made pursuant to this rule shall be on a company distinct basis and submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 624.308 FS. Law Implemented ~~624.318~~, 627.410 FS. History—New 5-14-92, Amended 11-20-02, Formerly 4-149.007, Amended 5-18-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Lockwood, Office of the Chief of Staff, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-171.002	General Reporting Requirements
69O-171.008	Insurer Experience Reporting – Calendar Year Experience

PURPOSE AND EFFECT: To adopt new technology for insurer reporting.

SUMMARY: Adopts Form for entry of data and instructions.

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) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.915(2), (5), 627.918(1) 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: October 15, 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: Belynda Shadoan, Deputy Chief of Staff's Office, Office of Insurance Regulation, E-mail belynda.shadoan@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: Belynda Shadoan, Deputy Chief of Staff's Office, Office of Insurance Regulation, E-mail belynda.shadoan@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-171.002 General Reporting Requirements.

(1) Forms incorporated by reference in Division Number 690 these rules are available on the Office's website: <http://www.floirfldfs.com>.

(2) All filings shall be submitted electronically to <https://iportal.fldfs.com>.

(3) All forms shall be filled out completely in accordance with their instructions. If an insurer is without any data required by these rules to be reported, it shall nevertheless complete and file the prescribed form or forms as directed in the instructions associated with each form by writing "none" in the appropriate spaces, and file the form or forms with the Office in the prescribed manner.

(4)(a) Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums, shall not be required to complete and submit to the Office the forms prescribed by Rule 690-171.008, F.A.C. Instead of completing form OIR-308, "Calendar Year Experience" as adopted in Rule 690-171.008, F.A.C., the

insurer shall list each line of insurance that is less than 1/2 percent of the market and list the corresponding written premiums for each of these lines of insurance.

(b) In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Office based upon the annual statements submitted by insurers.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(5), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, 1-2-02, Formerly 4-171.002, Amended 9-15-05,_____.

690-171.008 Insurer Experience Reporting – Calendar Year Experience.

(1) Any insurer authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, medical malpractice, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance shall report, for each such line of insurance, the information required by Section 627.915(2), F.S., Section 627.915(5), F.S., or required by rule, on Form OIR-B1-308 (Rev. 07/03), "Calendar Year Experience", data reporting form OIR-D0-308 (Revised 02/2007) "Florida Property and Casualty Insurance Calendar Year Experience", which is hereby incorporated by reference, and is available and is to be completed and submitted on the Office's website: <http://www.fldfs.com/DI4-308>.

(2) Reports for the preceding calendar year are due on or before April 1 of each year.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1)(c), 627.915(2), (5), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.07, Amended 6-15-88, Formerly 4-59.007, 4-171.008, Amended 9-15-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Lockwood, Deputy Chief of Staff's Office, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Brown, Deputy Chief of Staff's Office, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007