

stephens@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susanna Stephens, FBIP Program Administrator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, FL 32399, telephone (850)410-0656, Ext. 17127, email susanna.stephens@myfwc.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.: 68D-16.029  
 RULE TITLE: Derelict Vessel Removal Grant Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend this rule as per changes in Section 376.15, Florida Statutes. The amendment allows the Derelict Vessel Grant Program to award grants to all local governments and fund removal of vessels designated and marked by all law enforcement officers.

SUBJECT AREA TO BE ADDRESSED: Statewide.

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 376.15 FS.

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

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 7 days before the workshop/meeting by contacting: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)410-0656, extension 17173 or tim.woody@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement,

Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)410-0656, extension 17173 or tim.woody@myfwc.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE NO.: 5L-1.003  
 RULE TITLE: Shellfish Harvesting Area Standards  
 PURPOSE AND EFFECT: This amendment proposes to reclassify the shellfish harvesting area #78 Body B. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the Body B shellfish harvesting area.

SUMMARY: The proposed reclassification of the Body B shellfish harvesting area will increase the total size of the conditionally approved areas by 1,612 acres, from 12,440 acres to 14,052 acres, and decrease the size of the prohibited area by 1,514 acres, from 5,144 acres to 3,630 acres. The current management of the Body B shellfish harvesting area is based on local rainfall. Proposed management of the Body B shellfish harvesting area is based on local rainfall. The average closure frequency of the Body B Conditionally Approved Zone 2 is expected to decrease from 1.0 days per month to 0.5 days per month. The average closure frequency of Body B Conditionally Approved Zone 1 is expected to be 4.7 days per month. No previous closure frequency data exists for this new zone. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Body B shellfish harvesting area.

This amendment places descriptions, references to shellfish harvesting area map numbers and operating criteria for the Body B shellfish harvesting area #78 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These documents are hereby incorporated in subsection 5L-1.003(1), F.A.C. Additionally, this amendment provides illustrations of the Body B shellfish harvesting area classification boundaries in the shellfish harvesting area map #78. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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: March 10, 2008, 5:00 p.m. – 6:00 p.m.

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Chris Brooks, (850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~October 2, 2007~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~October 2, 2007~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History–New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, \_\_\_\_\_.

AREA NUMBER	HARVEST AREA NAME
0212	Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul-Sep
0222	Pensacola Bay Conditionally Approved Escambia Bay
0232	Pensacola Bay Conditionally Approved East Bay
0216	Pensacola Bay Conditionally Restricted Escambia Bay
0226	Pensacola Bay Conditionally Restricted East Bay
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr-Jun, Oct-Nov
0812	West Bay Conditionally Approved Winter Dec-Mar
0822	West Bay Conditionally Approved Spring/Fall Apr-Jun, Oct-Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1006	North Bay Conditionally Restricted Eastern
1206	East Bay Conditionally Restricted
1212	East Bay Conditionally Approved Section 1
1222	East Bay Conditionally Approved Section 2
1401	St. Joe Bay Approved
1506	Indian Lagoon Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Spring/Fall Mar-Jun, Oct
1542	Indian Lagoon Conditionally Approved Zone A Winter Nov-Feb
1552	Indian Lagoon Conditionally Approved Zone B Winter Nov-Feb
1572	Indian Lagoon Conditionally Approved Summer Jul-Sep
1611	Apalachicola Bay Approved Winter Jan-May, Sept-Dec
1621	Apalachicola Bay Approved Summer June-Aug
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer June-Aug
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan-May, Sept-Dec
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan-May, Sept-Dec

1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan-May, Sept-Dec	6222	Pine Island Sound Conditionally Approved Eastern Section
1642	Apalachicola Bay Conditionally Approved East Winter Jan-May, Sept-Dec or Apalachicola Bay Approved East Hole Summer June-Aug	6602 7001 7006	Ten Thousand Islands Conditionally Approved Indian River/St. Lucie Approved Indian River/St. Lucie Restricted
1652	Apalachicola Bay Conditionally Approved North Summer June-Aug	7202 7206	North Indian River Conditionally Approved North Indian River Conditionally Restricted
1662	Apalachicola Bay Conditionally Approved South Summer June-Aug	7412 7416	Body F Conditionally Approved Body F Conditionally Restricted
1606	Apalachicola Bay Conditionally Restricted	7506	Body E Conditionally Restricted
1802	Alligator Harbor Conditionally Approved	7602	Body D Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved	7606	Body D Conditionally Restricted
2006	Ochlockonee Bay Conditionally Restricted	7712	Body C Conditionally Approved Zone 1
2206	Wakulla County Conditionally Restricted		Spring/Summer/Fall Mar-Nov
2212	Wakulla County Conditionally Approved Zone 1 Winter	7722	Body C Conditionally Approved Zone 2
2222	Wakulla County Conditionally Approved Zone 2 Winter	7732	Spring/Summer/Fall Mar-Nov
2232	Wakulla County Conditionally Approved Zone 1 Spring	7716	Body C Conditionally Approved Winter Dec-Feb
2242	Wakulla County Conditionally Approved Zone 2 Spring	7726	Body C Conditionally Restricted Winter Dec-Feb
2501	Horseshoe Beach Approved Summer Apr-Sep	<del>7802</del>	Body C Conditionally Restricted Spring/Summer/Fall Mar-Nov
2502	Horseshoe Beach Conditionally Approved Winter Oct-Mar	<u>7812</u>	<del>Body B Conditionally Approved</del>
2506	Horseshoe Beach Conditionally Restricted Winter Oct-Mar	<u>7822</u>	<u>Body B Conditionally Approved Zone 1</u>
2802	Suwannee Sound Conditionally Approved Spring Summer Feb-May and Sept or Suwannee Sound Conditionally Approved Winter Oct-Jan	7902 8001 8005	<u>Body B Conditionally Approved Zone 2</u> South Banana River Conditionally Approved South Banana River Conditionally Restricted
2806	Suwannee Sound Conditionally Restricted Spring Summer Feb-May and Sept or Suwannee Sound Conditionally Restricted Winter Oct--Jan	8201 8212 8222	Body A Approved Body A Restricted South Volusia Approved
3012	Cedar Key Conditionally Approved Zone A	8206	South Volusia Conditionally Approved Zone 1
3022	Cedar Key Conditionally Approved Zone B	8802	South Volusia Conditionally Approved Zone 2
3006	Cedar Key Conditionally Restricted	8806	South Volusia Conditionally Restricted
3202	Waccasassa Bay Conditionally Approved	9202	St. Johns South Conditionally Approved
3206	Waccasassa Bay Conditionally Restricted	9206	St. Johns South Conditionally Restricted
3402	Withlacoochee Bay Conditionally Approved		St. Johns North Conditionally Approved
3406	Withlacoochee Bay Conditionally Restricted		St. Johns North Conditionally Restricted
3702	Citrus County Conditionally Approved		
3706	Citrus County Conditionally Restricted		
4202	Boca Ciega Bay Conditionally Approved		
4802	Lower Tampa Bay Conditionally Approved		
5402	Sarasota Bay Conditionally Approved		
5602	Lemon Bay Conditionally Approved		
5802	Gasparilla Sound Conditionally Approved		
6002	Myakka River Conditionally Approved		
6006	Myakka River Conditionally Restricted		
6212	Pine Island Sound Conditionally Approved Western Section		

INDEX OF SHELLFISH HARVESTING AREA CLASSIFICATION MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised ~~October 2, 2007~~

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	March 11, 2007
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	September 28, 2004
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994

Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	September 28, 2004
Choctawhatchee Bay	06	06	October 2, 2007
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	June 11, 2006
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	September 28, 2004
Indian Lagoon	15	15A, 15B	September 5, 2005
Indian River/St. Lucie	70	70	June 18, 1997
Counties			
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	September 28, 2004
Myakka River	60	60	October 28, 1998
North Bay	10	10	August 17, 2004
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	March 11, 2007
Ochlocknee Bay	20	20	August 17, 2004
Pensacola Bay System	02	02	August 17, 2004
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	September 28, 2004
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28 A, 28 B	March 11, 2007
Ten Thousand Islands	66	66	September 28, 2004
Waccasassa Bay	32	32	September 28, 2004
Wakulla County	22	22A, 22B	August 17, 2004
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	September 28, 2004

**PURPOSE AND EFFECT:** The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend the rules listed above to implement Section 215.555, Florida Statutes, including the changes made to the law during 2007.

**SUMMARY:** Rule 19-8.010, F.A.C., Reimbursement Contract: The proposed amendments to 19-8.010, F.A.C., adopt the Reimbursement Contract for the Contract Year 2008-2009, including the three addenda. Addendum No. 1: This addendum incorporates the Temporary Emergency Options for Additional Coverage “TEACO” program. This program allows insurers to purchase its FHCF premium share of a \$1 billion, \$2 billion, or a \$3 billion layer of coverage below the mandatory FHCF layer of coverage.

Addendum No. 2: This addendum incorporates the Temporary Increase in Coverage Limit Options “TICL” program. This program allows insurers to choose from one of twelve options for increasing their level of FHCF coverage above and beyond the mandatory FHCF coverage.

Addendum No. 3: This addendum gives effect to the extension of FHCF coverage to policies of liquidated insurers taken over by Citizens Property Insurance Corporation pursuant to changes made to the law by the Legislature in 2007 in CS/SB 2498.

Rule 19-8.012, F.A.C., Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure: The proposed amendments to Rule 19-8.012, F.A.C., update and adopt forms for ineligibility and exemption from the FHCF and also provide that an insurer which has been granted ineligibility or de minimis status and then fails to execute and return the Reimbursement Contract to the FHCF within thirty days of losing such ineligible or exempt status will not be reimbursed for losses occurring prior to the receipt by the FHCF of the executed Reimbursement Contract.

Rule 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.:

The proposed amendments to Rule 19-8.013, F.A.C., update the rule to incorporate the changes to the rapid cash build-up factor made by the Legislature during 2007 and to exclude Multi-Peril crop policies reinsured or subsidized by the Federal Government from the emergency assessment as the result of the decision in National Crop Insurance Services, Inc. et al. v. Office of Insurance Regulation, Case No. 2006 CA 2594 (Fla. 2nd Cir. Ct. 2007).

Rule 19-8.029, F.A.C., Insurer Reporting Requirements: The proposed amendments to Rule 19-8.029, F.A.C., update and adopt the forms for insurer exposure and loss reporting to the FHCF for the 2008-2009 Contract Year and incorporates a new Company Contact form on which insurers designate individuals to be their official contacts.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Chris Brooks

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Sherman Wilhelm, Director, Division of Aquaculture

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** November 20, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 7, 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.”

**STATE BOARD OF ADMINISTRATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

Rule 19-8.030, F.A.C., Insurer Responsibilities: The proposed amendments to Rule 19-8.030, F.A.C., incorporate the 2007 Special Legislative Session's changes to the law, and update and adopt forms for insurer exposure and loss examinations and reporting to the FHCF for the 2008-2009 Contract Year, increases the resubmission fees for resubmissions resulting from an examination, and provides that optional coverages will be lost if the Addendum offering such optional coverage is not executed and returned timely.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Board has prepared a statement and found the cost of the proposed amendments to be minimal. 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:** 215.555(3) FS.

**LAW IMPLEMENTED:** 215.555(2), (3), (4), (5), (6), (7), (10), (16), (17) FS.

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

**DATE AND TIME:** March 25, 2008, 2:00 p.m. – 5:00 p.m. (ET)

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308. Persons who wish to participate by telephone may call 1(888)808-6959 and use conference code 4765251363 on the date and at the time indicated for the hearing.

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: Tracy Allen by telephone at (850)413-1341 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300. 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:** Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**19-8.010 Reimbursement Contract.**

(1) The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1995K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State

of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 07/95, is hereby adopted and incorporated by reference into this Rule.

(2) The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1996K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 05/96, is hereby adopted and incorporated by reference into this Rule.

(3) The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1997K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 05/97, is hereby adopted and incorporated by reference into this Rule.

(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1998K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 05/98, is hereby adopted and incorporated by reference into this Rule.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1999K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/99, is hereby adopted and incorporated by reference into this Rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1, – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 08/99, is hereby adopted and incorporated by reference into this Rule.

(6) The reimbursement contract for the 2000-2001 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2000K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) ~~w~~hich ~~a~~Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/00, is hereby adopted and incorporated by reference into this Rule.

(7) The reimbursement contract for the 2001-2002 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2001K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/01, is hereby adopted and incorporated by reference into this rule.

(8) The amended reimbursement contract for the 2002-2003 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2002K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/02, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2002 through May 31, 2003.

(9) The reimbursement contract for the 2003-2004 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2003K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/03, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2003 through May 31, 2004.

(10) The amended reimbursement contract for the 2004-2005 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2004K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/04, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2004 through May 31, 2005.

(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2005K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/05, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006. Addendum No. 1 to the 2005-2006 Reimbursement Contract, which is called Form FHCF-2005K-1, “Reimbursement Contract (Contract) between (name of insurer) (the Company)/NAIC # ( ) and the State Board of Administration of the State of Florida (SBA) which aAdministers the Florida Hurricane Catastrophe Fund (FHCF)”, rev. 06/05, is hereby adopted and incorporated by reference into this rule.

(12) The reimbursement contract for the 2006-2007 contract year, as amended by Addendums 1., 2., and 3., required by Section 215.555(4), F.S., which is called Form FHCF-2006K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/06, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2006 through May 31, 2007.

(13) The reimbursement contract for the 2007-2008 contract year, including Addendum required by Section 215.555(4), F.S., which is called Form FHCF-2007K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which aAdministers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/07, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2007 through May 31, 2008.

(14) The reimbursement contract for the 2008-2009 contract year, including Addenda required by Section 215.555(4), F.S., which is called Form FHCF-2008K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/08, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2008 through May 31, 2009.

~~(15)~~(14) Copies of the reimbursement contract may be obtained from the FHCF website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308 and the telephone number is (850)413-13416.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07,\_\_\_\_\_.

19-8.012 Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure.

(1) No change.

(2) Procedures to Determine Ineligibility for Participation in the Fund.

(a) An insurer must apply for seeking ineligibility from participation in the Fund if because it has surrendered its certificate of authority to write insurance in Florida. To apply, the insurer shall submit a written request for ineligibility stating that it will have no covered policies, as that term is

defined in Section 215.555(2)(c), F.S., after May 31 of the year for which the ineligibility is sought and provide a copy of the Office of Insurance Regulation Order, if any, revoking the insurer's authority to write insurance in Florida. The request shall be sent to the Fund's Administrator, Paragon Strategic Solutions Inc., at 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431.

(b) An insurer which is not surrendering its certificate to write insurance in Florida must apply for but which is seeking ineligibility from participation in the Fund if it no longer has because it does not have any covered policies in force, as that term is defined in Section 215.555(2)(c), F.S. To apply, the insurer, shall submit a written request for a determination regarding its ineligibility for participation. The request shall be sent, no later than September 1 of the current contract year, to the Fund's Administrator, Paragon Strategic Solutions Inc., at 3600 American Boulevard, Suite 700, Minneapolis, Minnesota 55431, and shall contain the following information:

1. A detailed explanation of any premium appearing on the insurer's Florida ~~Statutory Page 14~~, Exhibit of Premiums and Losses of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's ~~Statutory Page 14~~, Exhibit of Premiums and Losses of the annual statement, required by Section 624.424, F.S., and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E1, "Statement related to Covered Policies as defined in Section 215.555(2)(c), F.S.," rev. 05/06 5/2006, signed by two executive officers attesting to the fact that the insurer writes no covered policies. Form FHCF-E1 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(c) Upon receipt of the information required by paragraph (a) or (b), above, the Fund's Administrator will forward copies to the State Board of Administration of Florida ("Board") for review.

1. If the Board determines that additional information is needed before a decision can be made, the Fund's Administrator will obtain the information and forward it to the Board.

2. If the Board determines that the insurer writes covered policies, as defined in Section 215.555(2)(c), F.S., and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and must therefore participate in the Fund as required by Section 215.555(4)(a), F.S., the Board will notify the insurer that its request has been denied. All insurers determined to be participants in the Fund will be required to enter into a

reimbursement contract with the Board and will be subject to all premium payments and interest thereon, as well as fees for inadequate exposure data.

3. If the Board determines that the insurer does not write covered policies, as defined in Section 215.555(2)(c), F.S., and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., the Board will notify the insurer that its request has been approved. This ineligibility continues until the insurer once again begins writing covered policies, and ~~note that~~ The insurer must immediately notify the Board if it begins writing covered policies. The Board will provide the Fund's Administrator with a copy of any approval letter so that the Fund's Administrator can update its information and can refund any overpayment of reimbursement premium.

(d) Any Company granted ineligibility status which fails to execute and return the reimbursement contract to the Fund within thirty days of writing its first covered policy following the grant of ineligibility status shall not be eligible for reimbursement for any covered losses occurring prior to the receipt by the Fund of the executed reimbursement contract.

(3) Procedures to Determine Exemption from the Fund Due to Limited Exposure.

(a) An insurer requesting exemption from participation in the Fund because its exposure for covered policies, as defined in Section 215.555(2)(c), F.S., and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., is less than \$10 million in the aggregate shall submit a written request for a determination regarding such an exemption no later than June 1 of the upcoming contract year. The request shall be sent to the Fund's Administrator, Paragon Strategic Solutions Inc., at 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431. The insurer shall submit the following information no later than June 30 of the upcoming contract year:

1. A detailed explanation of any premium appearing on the insurer's Florida ~~Statutory Page 14~~, Exhibit of Premiums and Losses of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's ~~Statutory Page 14~~, Exhibit of Premiums and Losses of the annual statement, required by Section 624.424, F.S., and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E2, "Information regarding De Minimis FHCF Covered Policies In-force at May 31, \_\_\_\_\_," rev. 05/06 5/2006. Form FHCF-E2 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

4. Form FHCF-E3, “Statement related to De Minimis Aggregate Exposure for Covered Policies as defined in Section 215.555(2)(c), F.S., on behalf of \_\_\_\_\_,” rev. ~~05/06 5/2006~~, signed by two executive officers attesting to the fact that the insurer writes no covered policies with an aggregate exposure of \$10 million or more. Form FHCF-E3 rev. ~~05/06 5/2006~~, is hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in this paragraph.

(b) No change.

(c) Any Company granted de minimis exempt status which fails to execute and return the reimbursement contract to the Fund within thirty days of writing a covered policy that results in the insurers aggregate covered exposure exceeding \$10 million dollars shall not be eligible for reimbursement for any covered losses occurring prior to the receipt by the Fund of the executed reimbursement contract.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2)(c), (3), (4), (5) FS. History—New 2-17-97, Amended 6-2-02, 5-13-03, 5-19-04, 5-29-05, 5-10-06, \_\_\_\_\_.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) through (2)(c) No change.

(d) Authorized Insurer means an insurer as defined in Sections ~~215.555(2)(e) and~~ 624.09(1), F.S. For purposes of this rule, Authorized Insurer includes Citizens Property Insurance Corporation and any joint underwriting association or similar entity created pursuant to Section 627.351, F.S.

(e) through (l) No change.

(m) FHCF or Fund means the Florida Hurricane Catastrophe Fund.

(n) through (q) No change.

(3) Limitations on the Fund’s Liability. The Fund’s liability under the Reimbursement Contracts for Covered Events in a Contract Year is ~~limited to the lesser of (a) the amount determined pursuant to Sections 215.555(4)(c)1., 215.555(16)(e)4. and (g) and 215.555(17)(g) and (h), F.S., or (b) the Balance of the Fund for the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the Fund plus the amount the Board has raised through the issuance of revenue bonds for losses from Covered Events in the Contract Year and the additional amount the Board determines it is able to raise through the issuance of revenue bonds for losses from Covered Events in the Contract Year.~~

(4)(a) through (4)(c)1. No change.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on

revenue bonds. Amounts collected ~~during the~~ ~~in~~ Contract Year 2006-2007 as part of the premium that are attributable to the required 25% rapid cash buildup factor, pursuant to as permitted by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract Years. Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, and earnings thereon ~~or amounts collected as part of the premium that are attributable to the rapid cash buildup factor,~~ may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service on revenue bonds, then the amount of the Reimbursement Premiums, or earnings thereon, ~~or amounts collected as part of the premium that are attributable to the rapid cash buildup factor~~ so used shall be returned, without interest, to the Fund when Emergency Assessments or other legally available funds remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) Specific Procedures Regarding Issuance of Bonds, Notes, Debentures or Other Evidences of Financial Indebtedness on a Pre-Event Basis. In making a determination to authorize the issuance of revenue bonds on a Pre-event basis (“in the absence of a hurricane”), pursuant to Section 215.555(6)(a), F.S., the Board shall consider the following factors: the projected Fund Balance; reserves for mitigation appropriations; estimated amounts needed for administration of the Fund; projected amounts of future Reimbursement Premiums; projected amounts of earnings on collected Reimbursement Premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of Pre-event bonds on the costs of Post-event bonds in terms of benchmark pricing, secondary market trading, investor education, ~~being a first-time issuer~~ ~~Post-event~~, confidence of insurers and reinsurers in the Fund’s ability to issue revenue bonds Post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

1. through (4)(e)2. No change.

3. The Emergency Assessment is subject to interest on delinquent remittances at the average rate earned by the Board SBA for the FHCF for the first five months of the Contract Year for which such information is available plus 5%. The Emergency Assessment is also subject to annual adjustments by the Board in order to meet debt obligations.

(5)(a) No change.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the preceding calendar quarter from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, ~~2010~~ 2007. In addition, Multi-Peril crop policies reinsured or subsidized by the Federal Government are exempt from the Emergency Assessment pursuant to a final judgment entered on March 20, 2007, in National Crop Insurance Services, Inc. et al. v. Office of Insurance Regulation, Case No. 2006 CA 2594 (Fla. 2nd Cir. Ct. 2007) and pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment pursuant to the doctrine of federal pre-emption. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) No change.

(d) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)1., F.S. For ease of reference, the lines of business are written and listed as they appear on ~~the Statutory Page 14~~ Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S., whether or not the insurer is required to file such exhibit.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.

a. Fire.

b. Allied Lines.

c. Multiple Peril Crop except for those policies reinsured or subsidized by the federal government under the Federal Crop Insurance Act.

d. Farmowners Multiple Peril.

e. Homeowners Multiple Peril.

f. Commercial Multiple Peril (non-liability).

g. Commercial Multiple Peril (liability).

h. Mortgage Guaranty.

i. Ocean Marine.

j. Inland Marine.

k. Financial Guaranty.

l. Medical Malpractice (Medical Malpractice insurance premiums are not subject to Emergency Assessments attributable to covered events occurring prior to the Contract Year that begins on June 1, ~~2010~~ 2007).

m. Earthquake.

n. Other Liability.

o. Products Liability.

p. Private Passenger Auto No-Fault.

q. Other Private Passenger Auto Liability.

r. Commercial Auto No-Fault.

s. Other Commercial Auto Liability.

t. Private Passenger Auto Physical Damage.

u. Commercial Auto Physical Damage.

v. Aircraft (all perils).

w. Fidelity.

x. Surety.

y. Burglary and Theft.

z. Boiler and Machinery.

aa. Credit.

bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, 5-29-05, 5-10-06, 9-5-06, \_\_\_\_\_.

19-8.029 Insurer Reporting Requirements.

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

(c) Contract Year means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year.

(d) through (3)(d) No change.

(4)(a) For the 1999/2000 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 1999 Data Call," rev. 05/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(b) For the 2000/2001 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 05/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 05/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version

1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 6.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(c) For the 2001/2002 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2001 Data Call,” rev. 05/01; Form FHCF-MOD, “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 7.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, “Florida Hurricane Catastrophe Fund 2001 Data Call for Newly Licensed Companies,” rev. 05/01; Form FHCF-MOD, “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 7.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(d) For the 2002/2003 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call,” rev. 05/02 and Form FHCF-MOD, “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies,” rev. 05/02; and Form FHCF-MOD “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(e) For the 2003/2004 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2003 Data Call,” rev. 05/03 and UNICEDE®/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator. NOTE: Form FHCF-D1B, “Amended

Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies,” rev. 05/02 used in past years by new participants is no longer being used. The information new participants must submit is now incorporated into Form FHCF-D1A.

(f) For the 2004/2005 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2004 Data Call,” rev. 5/11/04 and UNICEDE®/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(g) For the 2005/2006 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2005 Data Call,” rev. 05/05 and “UNICEDE®/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. The forms may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(h) For the 2006/2007 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2006 Data Call,” rev. 05/06, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(i) For the 2007/2008 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2007 Data Call,” rev. 05/07, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(j) For the 2008/2009 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2008 Data Call,” rev. 05/08, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) through (6) No change.

(7)(a) For the 2005/2006 and earlier Contract Years the applicable Interim Loss Report is that form that was in effect for the Contract Year as reflected by the revision date on the form. For example, the applicable Interim Loss Report for the Contract Year 2004-2005 is the FHCF-L1A, with the revision date of 05/05.

(b) through (c) No change.

(d) For the 2008/2009 Contract Year, the applicable Interim Loss Report is the "Contract Year 2008 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1A, rev. 05/08, which is hereby adopted and incorporated by reference. The applicable Proof of Loss Report is the "Contract Year 2008 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1B, rev.05/08, which is hereby adopted and incorporated by reference. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

(8) Company Contact Information: Companies must submit Form FHCF C-1, Company Contact Information, new 05/08, by June 1 of each Contract Year. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized FHCF C-1 from the Company. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, \_\_\_\_\_.

19-8.030 Insurer Responsibilities.

(1) through (2) No change.

(3) Definitions. The terms defined below will be capitalized in this rule.

(a) Authorized Insurer means an insurer as defined in Sections ~~215.555(2)(e)~~ and 624.09(1), F.S. and includes Citizens Property Insurance Corporation and any joint underwriting association or similar entity created pursuant to Section 627.351, F.S.

(b) through (d) No change.

(e) Contract Year means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year.

(f) through (n) No change.

(4) Reimbursement Contract.

(a) Current Participants: The Reimbursement Contracts are annual contracts effective from June 1 of each Contract Year through May 31 of each Contract Year. Each Insurer required to participate in the FHCF must designate a coverage level in the annual Reimbursement Contract, make any

required selections therein and execute the Reimbursement Contract and applicable Addenda so that the Contract, including the schedules and applicable Addenda, have ~~has~~ been received by June 1 of each Contract Year.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year are "New Participants." New Participants must designate a coverage level in the annual Reimbursement Contract, make any required selections therein, and execute the Contract and applicable Addenda simultaneously with issuing the first Covered Policy. The completed and executed Reimbursement Contract, including all required selections, ~~and~~ schedules and applicable Addenda, must be returned no later than 30 days after the effective date of the first Covered Policy.

(c) New Participants during the period of December 1 through May 31: Those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year, along with the Insurers described in paragraph (b) immediately above, are "New Participants." However, these Insurers shall not complete and submit the Data Call (Form FHCF-D1A) but shall meet all other requirements for New Participants.

(d) Optional coverages authorized by law must be chosen by current participants by executing and returning the applicable Addenda to the Reimbursement Contract by June 1 of the relevant Contract Year. New Participants choosing optional coverage must execute and return the applicable Addenda to the Reimbursement Contract for the relevant Contract Year prior to the time in which a covered loss occurs and within thirty days of writing its first covered policy. Any current or new participant failing to meet these deadlines shall not be eligible for such optional coverage.

(5) through (6) No change.

(7) Examination Requirements. A Company is required to prepare and retain an examination exam file in accordance with the specifications outlined in the Data Call instructions and a detailed claims listing to support losses reported on the Proof of Loss Report. Such records must be retained until the FHCF has completed its examination of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year. The records provided for examination must be from the examination exam file as originally prepared unless a subsequent resubmission was sent to the FHCF. Note that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations by the FHCF.

(a) Advance Examination Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in the applicable Contract Year's Form FHCF-EAP1, "Exposure

Examination Advance Preparation Instructions” rev. 05/08 ~~05/07~~ or in the applicable Contract Year’s Form FHCF-LAP1 “Loss Reimbursement Examination Advance Preparation Instructions” rev. 05/08 ~~05/07~~. An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) through (d) No change.

(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” for the applicable Contract Year and Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” for the applicable Contract Year. For the Contract Year 2006-2007, the applicable “Florida Hurricane Catastrophe Fund Interim Loss Report,” is the FHCF-L1A rev. 05/06 and the applicable “Florida Hurricane Catastrophe Fund Proof of Loss Report,” is the FHCF-L1B rev. 05/06. For the Contract Year 2007-2008, the applicable “Florida Hurricane Catastrophe Fund Interim Loss Report,” is the FHCF-L1A rev. 05/07 and the applicable “Florida Hurricane Catastrophe Fund Proof of Loss Report,” is the FHCF-L1B rev. 05/07. For the Contract Year 2008-2009, the applicable “Florida Hurricane Catastrophe Fund Interim Loss Report,” is the FHCF-L1A rev. 05/08 and the applicable “Florida Hurricane Catastrophe Fund Proof of Loss Report,” is the FHCF-L1B rev. 05/08. These forms are hereby adopted and incorporated by reference into this rule. These forms may be obtained from the Fund’s Administrator, Paragon Strategic Solutions Inc., 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431. Companies must submit a detailed claims listing (in a delimited ASCII format) to support the losses reported in the FHCF-L1B, Proof of Loss Report, at the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the company for reimbursement under that Covered Event, and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request. Refer to Form FHCF-LAP1 for the required file layout. The Proof of Loss Report and the detailed claims listing are required to be sent to the FHCF Administrator, Paragon Strategic Solutions Inc., 3600 American Boulevard West, Minneapolis, MN 55431. If your company submits its Proof of Loss Reports electronically through the FHCF’s Online Claims System at [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf), the detailed claims listing may be attached to the Company’s submission.

(9) Penalties and Additional Charges. The Participating Insurers’ responsibilities outlined in this rule are not an exhaustive list and Section 215.555, F.S., and other rules promulgated under that section may outline additional responsibilities or deadlines. The failure by a Participating Insurer to meet any of the deadlines or responsibilities outlined in this rule, Section 215.555, F.S., or any other rule applicable to the FHCF constitute a violation of the Florida Insurance Code. In the event of a violation, in addition to the consequences outlined below, the FHCF may notify the Office of Insurance Regulation of the violation. The Office of Insurance Regulation may take whatever action it deems appropriate in addressing the violation.

(a) Resubmissions of Data: A \$1,000 resubmission fee (for resubmissions that are not the result of an exam by the SBA) will be invoiced by the FHCF for each resubmission. If a resubmission is necessary as a result of an examination report issued by the SBA, the resubmission fee will be \$2,000. If a company’s examination-required resubmission is inadequate and the SBA requires an additional resubmission(s), the resubmission fee for each subsequent resubmission shall be \$2,000. A \$1,000 resubmission fee to the FHCF is imposed for each Section I resubmission. However, if the Insurer discovers the problem(s) and notifies the FHCF Administrator prior to the time that the FHCF Administrator begins work on the original submission, no resubmission fee will be charged. With respect to resubmissions of Section II data, the Insurer will be required to pay the \$1,000 resubmission fee and the cost of modeling.

(b) through (11) No change.

(12) Company Contact Information: Companies must submit Form FHCF C-1, Company Contact Information, by June 1 of each Contract Year. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized FHCF-C1 from the Company.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack E. Nicholson, Senior FHCF Officer, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2008, Vol. 33, No. 52

**EXECUTIVE OFFICE OF THE GOVERNOR  
Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-2.002	Application Procedures for Certification as a Facility for a Professional Sports Franchise
27M-2.003	Certification as a Facility for a New Professional Sports Franchise
27M-2.004	Certification as a Facility for Retained Professional Sports Franchise

**PURPOSE AND EFFECT:** The proposed rules development involves the creation of three new rules within Chapter 27M-2, Florida Administrative code, related to the certification of new and retained professional sports franchises, as authorized by Section 288.1162, Florida Statutes (2007). The proposed rules provide application requirements and methods for awarding certifications by the Florida Sports Foundation and the Office of Tourism, Trade, and Economic Development.

**SUMMARY:** The proposed rules provide the method of submitting an application for certification of a facility for a new professional sports franchise or certification of a facility for a retained professional sports franchise. Additionally, the rules prescribe certain requirements the applicants must meet in order to obtain such certification.

**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:** 288.1162 FS. (2007)

**LAW IMPLEMENTED:** 288.1162 FS. (2007)

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Michelle Ramsey, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399, whose telephone number is (850)487-2568

**THE FULL TEXT OF THE PROPOSED RULES IS:**

27M-2.002 Application Procedures for Certification as a Facility For a Professional Sports Franchise.

(1) An applicant must submit the application for certification to the Florida Sports Foundation. The original and five (5) copies of the application should be submitted to the following address:

Florida Sports Foundation  
Attention: President  
2930 Kerry Forest Parkway, Suite 100  
Tallahassee, Florida 32309  
Phone: (850)488-8347  
Fax: (850)922-0482

(2) Each applicant shall be a unit of local government or a private sector group that has contracted to construct or operate a professional sports franchise facility on land owned by a unit of local government. An official senior executive of the applicant must sign the application.

(3) Each application will be reviewed based on the requirements set forth in Section 288.1162, Florida Statutes.

Specific Authority 288.1162 FS. Law Implemented 288.1162 FS. History--New.

27M-2.003 Certification as a Facility for a New Professional Sports Franchise.

(1) Applicants for certification as a facility for a new professional sports franchise must submit an application in accordance with Rule 27M-2002, Florida Administrative Code.

(2) The applicant for certification as a facility for a new professional sports franchise must meet the following requirements:

(a) Documentation that a unit of local government as defined in Section 218.369, Florida Statutes is responsible for the construction, management, or operation of the professional sports franchise facility, or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for at least ten years (10) or more.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise after April 1, 1987.

(d) The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, demonstrating that the new franchise will attract a paid attendance of more than 300,000 annually. All data sources and methodologies of the projection must be included.

(e) An independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the amount of the revenues generated by the taxes imposed under Chapter 212, Florida Statutes, with respect to the use and operation of the professional sports facility will equal or exceed \$2 million annually.

(f) Documentation that the municipality in which the facility is located, or the county if the facility is in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) Documentation that the applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) Statement certifying that the applicant will comply with Section 288.1167, Florida Statutes, related to the requirements for minority participation.

(3) The Florida Sports Foundation (Foundation) will have two (2) weeks following receipt of the application to notify an applicant of any deficiencies in the application. The Foundation will notify the applicant by certified mail or overnight delivery service. The Foundation will allow thirty (30) days from the date of mailing for the applicant to correct any such deficiencies. The applicant will submit the corrections to the Foundation by certified mail or overnight delivery service.

(4) The Florida Sports Foundation will review the application and make a recommendation to the Director of the Office of Tourism, Trade, and Economic Development. The Office will determine if the project is eligible for certification. If the project is eligible for certification, the Director will notify the applicant and the Executive Director of the Florida Department of Revenue by means of an official letter. The Department of Revenue will begin distributing funds sixty (60) days following certification.

Specific Authority 288.1162 FS. Law Implemented 288.1162 FS. History--New \_\_\_\_\_.

#### 27M-2.004 Certification as a Facility for Retained Professional Sports Franchise.

(1) Applicants for certification as a facility for a retained professional sports franchise must submit an application in accordance with Rule 27M-2002, Florida Administrative Code.

(2) The applicant for certification as a facility for a retained professional sports franchise must meet the following requirements:

(a) Documentation that a unit of local government is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a signed agreement with a retained professional sports franchise for the use of the facility for at least twenty (20) years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the retained professional sports franchise exists stating that the franchise has had a league-authorized location in this state on or before December 31, 1976.

(d) The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, demonstrating that the new franchise will attract a paid attendance of more than 300,000 annually. All data sources and methodologies of the projection must be included.

(e) An independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the amount of the revenues generated by the taxes imposed under Chapter 212, Florida Statutes, with respect to the use and operation of the professional sports facility will equal or exceed \$2 million annually.

(f) Documentation that the municipality in which the facility is located, or the county if the facility is in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) Documentation that the applicant has demonstrated that it has provided, is capable of providing, or has a financial or other commitment to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) Statement certifying that the applicant will comply with Section 288.1167, Florida Statutes, relating to the requirements for minority participation.

(3) The Florida Sports Foundation (Foundation) will have two (2) weeks following receipt of the application to notify an applicant of any deficiencies in the application. The Foundation will notify the applicant by certified mail or overnight delivery service. The Foundation will allow thirty (30) days from the date of mailing for the applicant to correct any such deficiencies. The applicant will submit the corrections to the Foundation by certified mail or overnight delivery service.

(4) The Florida Sports Foundation will review the application and make a recommendation to the Director of the Office of Tourism, Trade, and Economic Development. The Office will determine if the project is eligible for certification. If the project is eligible for certification, the Director will notify the applicant and the Executive Director of the Florida Department of Revenue by means of an official letter. The Department of Revenue will begin distributing funds sixty (60) days following certification.

Specific Authority 288.1162 FS. Law Implemented 288.1162 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michelle Ramsey, Senior Attorney, Office of Tourism, Trade,  
and Economic Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dale A. Brill, Ph.D., Director,  
Office of Tourism, Trade, and Economic Development

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 5, 2007

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.601  
RULE TITLE: Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the  
proposed rule is to set forth policies and procedures for the  
operation of the employee benefit trust fund as authorized by  
Sections 945.215 and 945.21501, F.S.

SUMMARY: The proposed rule provides policies and  
procedures for the operation of the employee benefit trust fund  
as authorized by Sections 945.215 and 945.21501, F.S.

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

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

SPECIFIC AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 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:

#### 33-203.601 Employee Benefit Trust Fund.

(1) The purpose of the trust fund shall be to:

(a) Construct, operate, and maintain training and  
recreation facilities at correctional facilities for the exclusive  
use of department employees. Any facility constructed using  
funds from the Employee Benefit Trust Fund is the property of  
the department and must provide the maximum benefit to all  
interested employees, regardless of gender.

(b) Provide funding for employee appreciation programs  
and activities designed to enhance the morale of employees.

(2) The employee benefit trust fund shall be established in  
the Bureau of Finance and Accounting. Oversight and  
administration of the fund shall be the responsibility of the

employee benefit trust fund team. The primary function of the  
central office team will be to standardize the operation of the  
employee benefit trust fund. The team shall be made up of the  
following staff members:

(a) Secretary or designee;

(b) Assistant Secretary of Institutions or designee;

(c) Chief of Staff or designee;

(d) Deputy Assistant Secretary of Institutions or designee;

(e) Director of Administration or designee; and

(f) Chief, Bureau of Finance and Accounting or designee.

(3) A regional employee benefit trust team appointed by  
the regional director of institutions will be established in each  
region. This team will review and approve the number and  
location of vending machines and canteens, recommend  
staffing patterns, and perform a monthly review of checks  
written. The team shall be made up of the following staff  
members:

(a) Regional director or designee, chair;

(b) Regional business manager or designee;

(c) A representative from the regional office of  
institutions;

(d) An institutional warden; and

(e) An employee from a major institution.

(4) An institutional employee benefit trust fund team  
appointed by the warden will be established at each institution.  
This team will make recommendations for employee benefit  
projects, make recommendations for the number and location  
of vending machines and canteens, review canteen operations,  
establish inventory levels, and develop a methodology to  
establish pricing. The team shall be made up of the following  
staff members:

(a) The warden, chair;

(b) A security representative from each unit, annex or  
work camp;

(c) A representative from classification;

(d) A representative from medical;

(e) The general services specialist; and

(f) One institution employee.

(5) Local institutions are authorized to submit money to  
the trust fund from the following sources

(a) Proceeds of vending machines, staff canteens, or other  
such services not intended for use by inmates;

(b) Donations, except donations by, or on behalf of an  
inmate.

(6) One half of the net proceeds of the department's  
recycling program will be used to fund employee benefits for  
community corrections, regional offices, and central office.

(7) Local bank accounts shall be established at each  
institution for the purchase of items for resale or operating  
supplies approved by the central office employee benefit trust  
fund team.

(8) The central office employee benefit trust fund team will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account.

(9) Institutions requesting to withdraw money from the fund shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-354 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(10) The central office team shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the DC2-354 is approved, vendor payments may be requested by e-mail using the Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(11) A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.

Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rhonda Vause, Chief, Bureau of Finance and Accounting  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-402.101  
RULE TITLE: Dental Services – General

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the provision of dental services to inmates.

SUMMARY: The proposed rule: provides definitions for terms associated with dental services; describes the types of services to be provided and the circumstances under which they will be provided; describes the process for requesting dental services and filing complaints related to dental services; provides for dental services copayments; and provides for the handling of missed appointments.

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, 945.6034, 945.6037 FS.

LAW IMPLEMENTED: 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 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:

33-402.101 Dental Services – General.

(1) The Department of Corrections Office of Health Services shall ensure that a comprehensive program of dental services, supervised by a dentist, is available to all inmates under its jurisdiction. The dental services program shall include emergency dental services, urgent dental services, preventative dental services and routine dental services.

(2) Definitions.

(a) Emergency dental services include treatment for trauma, emergency tooth extractions, severe tooth pain, control of bleeding, and acute infection. Emergency dental services shall be available to inmates 24-hours a day.

(b) Urgent dental services include treatment for chipped teeth, tooth pain, lost crowns or fillings, or broken dentures. All Department of Corrections dental clinics shall hold daily sick call, when a dentist is available, to provide dental access to those inmates who cannot wait for a routine appointment but do not meet the criteria for emergency dental services.

(c) Preventative dental services include oral (mouth) exams and regular oral hygiene. The Department of Corrections shall provide each inmate oral hygiene supplies including a toothbrush and a toothpaste containing fluoride. The inmate shall also be provided education in the use of oral hygiene supplies.

(d) Routine dental services are available by request and include examination, diagnosis, and treatment provided per a written treatment plan. Oral surgery is also available to all inmates; however, oral surgery for purely cosmetic reasons will not be performed. Orthodontics or the treatment of misaligned teeth is excluded from routine services and shall not be provided unless the lack of orthodontic services adversely affects an inmate's health.

(3) All inmates are required to receive an orientation to dental services within seven days of arrival at their assigned institutions. The dental orientation shall include:

(a) An explanation of access to dental care, including the hours of emergency, sick-call and routine dental care;

(b) How to request dental care; and

(c) A group oral hygiene presentation.

(4) Each inmate shall receive a dental examination to determine his or her dental needs as soon as possible, but not later than seven days after incarceration at a reception center.

(5) Dental periodic oral examinations shall be done every two years until the inmate is 50 years of age, and annually thereafter.

(a) Only a dentist may perform a dental periodic oral examination.

(b) An inmate in an active treatment program is not required to receive a dental periodic oral examination. Sick call and emergency dental visits are not considered an active treatment program and will not affect the periodic oral examination date.

(c) An inmate may refuse specific dental examinations and treatments. Inmates who refuse dental services will be required to sign Form DC4-711A, Refusal for Health Care Services. Form DC4-711A is incorporated by reference in Rule 33-602.210, F.A.C. By refusing an examination or treatment at a particular time, the inmate does not waive his or her right to subsequent dental care.

(6) Proper oral hygiene shall be reinforced throughout the inmate's dental treatment plan. A complete prophylaxis (cleaning) is included as part of the dental treatment plan. Auxiliaries can be utilized to assist in oral hygiene services in accordance with the State Dental Practice Act, Chapter 466, F.S.

(7) Dental services available to inmates are based upon four levels of dental care.

(a) Level I dental care is available to inmates during the reception process. It includes:

1. An intake dental examination performed by a dentist and the development of a provisional treatment plan.

2. Necessary extractions as determined by the intake dental examination.

3. Emergency dental treatment including treatment of soft tissue disease.

(b) Level II dental care is available to inmates with less than six months of Department of Corrections' incarceration time. It includes:

1. All Level I care.

2. Tooth decay control with temporary fillings.

3. Limited cleaning of symptomatic area with emphasis on oral hygiene practices.

4. Complete and partial denture repairs provided the inmate has sufficient Department of Corrections' incarceration time remaining on his or her sentence to complete the repair.

5. If an inmate has no upper or lower teeth and requests dentures the inmate is to be placed on the appointment waiting list at his or her permanent facility. The inmate is not required to wait six months for Level III care.

6. In cases of medical referral, inmates are to be scheduled as soon as possible for evaluation for dental care.

(c) Level III dental care is available to inmates with six months or more of continuous Department of Corrections' incarceration time. Level III includes:

1. All Levels I and II care.

2. Complete dental examination with X-rays, periodontal (gum) screening and recording, and development of a dental treatment plan.

3. Teeth cleaning, gum examination and oral hygiene instructions.

4. Complete dentures provided the inmate has at least four months of continuous Department of Corrections' incarceration time remaining on his or her sentence.

5. After the inmate has received a complete cleaning he or she is eligible for:

a. Fillings.

b. Partial dentures.

i. Acrylic partial dentures provided the inmate has at least four months of continuous Department of Corrections' incarceration time remaining on his or her sentence. Three or more anterior (front) teeth in an arch must be missing before an anterior acrylic partial denture is considered. Acrylic partial dentures will not be made available for purely cosmetic reasons.

ii. Cast partial dentures will be fabricated only when the oral condition precludes the fabrication of acrylic partial dentures.

iii. Each inmate is responsible for the loss, destruction, or mutilation of removable prosthetics. Failure to take responsibility for the removable prosthetics is not justification for replacement at Department of Corrections' expense. In cases where intentional damage or loss is suggested, the incident will be considered the same as willfully damaging state property and will be dealt with in accordance with existing department policies.

iv. Only one denture(s) will be provided in a lifetime with one reline provided at no cost. Dentures required more often will be charged to the inmate unless such a requirement is caused by a change in the inmate's dental condition that renders the existing denture(s) non functional.

c. Nonemergency endodontic (root canal) therapy is available to Level III inmates (more than six months of continuous Department of Corrections' incarceration time) when clinically indicated. All teeth receiving endodontic

therapy must have adequate support in the surrounding gum tissues and have a good chance of recovery and long term retention. In addition, posterior teeth receiving endodontic therapy must be crucial to arch integrity (no missing teeth in the quadrant or necessary as a partial denture abutment.)

d. Basic nonsurgical periodontal therapy as necessary.

(d) Level IV dental care represents advanced dental services that may be available on a limited basis.

1. This level of dental care is available to inmates on an as-needed basis after completion of Level III services and successful demonstration of a plaque free index score of 90 percent or greater for two consecutive months. If an inmate cannot demonstrate that he or she is following an acceptable oral hygiene program advanced dental therapy will not be considered.

2. Dental care and follow-up to highly specialized procedures such as orthodontics and implants placed before incarceration will be managed on an individual basis after consulting with the Director of Dental Services. The inmate will be responsible for the costs of continuation of care associated with both orthodontics and implants initiated before incarceration.

3. Fixed prosthetics (crowns and bridges) are not to be done except in unusual circumstances and only when an adequate restoration cannot be placed. The inmate will be responsible for the lab charges associated with the replacement of single unit crowns installed prior to incarceration.

(8) Dental Care Requests, Complaints and Formal Grievances.

(a) Inmate requests for dental services shall be submitted on Form DC6-236, Inmate Request or Form DC4-698A, Inmate Sick Call Request, and submitted to the Senior Dentist or his or her designee. Form DC4-698A is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Inmates wishing to file a complaint or formal grievance shall follow the grievance procedure as described in Rule 33-103.001, F.A.C.

(9) Co-payments for Dental Services.

(a) Inmates must make a co-payment for each nonemergency dental visit as described in Section 945.6037, F.S.

(b) There will be no co-payment for emergency dental services. If an inmate declares a dental emergency that does not meet the dental emergency guidelines, no treatment will be rendered and a co-payment charge will be assessed.

(10) Missed Appointments. Inmates who do not keep their dental appointments shall be rescheduled except for the following:

(a) All inmates having two non-security related no-shows in a row or have a history of no-shows shall be brought to the dental clinic to determine their desire to continue dental care;

(b) All inmates having three non-security related no-shows within a six appointment time span shall be removed from the dental treatment list and will not be rescheduled again for routine or comprehensive dental care unless a written request is submitted for continuation for dental care. The inmate will be placed on the appointment waiting list and will not be given preferential appointments unless the inmate's overall health would be adversely affected with dental treatment by delaying dental treatment.

Specific Authority 944.09, 945.6034, 945.6037 FS. Law Implemented 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick H. Brown, M.D., Deputy Assistant Secretary of Health Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.071

RULE TITLE: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective July 2007. The effect will be to incorporate by reference in rule the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules, July 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective July 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, March 10, 2008, 1:30 p.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7306, gabricd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.  
Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, ~~July January~~ 2007, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, ~~July January~~ 2007, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History–New 5-7-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.002  
RULE TITLE: Definitions  
PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify interactive distance learning.  
SUMMARY: The rule amendment will delete unnecessary language to clarify interactive distance learning.

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: 455.213(6), 455.2177, 455.2178, 489.115 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.002 Definitions.

When used in this rule, the following terms shall have the following meanings:

(1) through (4) No change.

(5) “Interactive Distance Learning” means the delivery of educational offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, and teacher, and shall provide for the registration, evaluation, monitoring, and verification of continuing education. ~~The courses shall be accessible at locations and times determined by the student.~~

(6) through (7) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 489.115 FS. History–New 12-2-93, Amended 5-17-99, 5-30-00, 3-25-01, \_\_\_\_\_.

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: January 9, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.004  
 RULE TITLE: Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify interactivity of distance learning.

SUMMARY: The rule amendment will clarify interactivity of distance learning.

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: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 445.2123, 455.2179, 489.115 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, 1940 Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.004 Approval of Continuing Education Courses.

(1) through (2) No change.

(3)(a) through (e) No change.

(f) The means by which the course provider will verify student identification.

(4) through (11) No change.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 445.2123, 455.213, 455.2179, 489.115 FS. History--New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01, 11-10-03, 1-24-05, 8-28-05,\_\_\_\_\_.

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: January 9, 2008

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.002  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule to delete unnecessary language and adding language to clarify all reasonable searches and inquiries and actual damages.

SUMMARY: The rule amendment will delete unnecessary language and adding language to clarify all reasonable searches and inquiries and actual damages.

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 FS.

LAW IMPLEMENTED: 489.141, 489.143 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.002 Definitions.

(1) "All reasonable searches and inquiries," as provided in Section 489.141(1), F.S., shall mean that exhaustive efforts have been made to determine whether the contractor possesses any property or assets with which to satisfy the underlying judgment, order of restitution, or award in arbitration, in whole or in part, and that no such property or assets ~~have~~ has been identified or located. Reasonable searches and inquiries shall constitute the following, if applicable, documentation showing that exhaustive effects have been taken:

(a) through (f) No change.

(2) through (5) No change.

(6) "Actual Damages" as used in Section 489.143(2), F.S., shall mean the general measure of damages suffered as a direct result of a licensee's violation of Sections 489.129(1)(g), (j), (k), or 713.35, for failing to perform a construction contract, Actual Damages are calculated as ~~which is~~ the difference between the contract price, together with the change orders, and the cost of construction completion by another builder, where the cost of completion is for the same scope of work and materials set out in the original contract. However, if the claimant has paid a deposit or down payment and no actual

work is performed or materials are delivered, actual damages shall not exceed the exact dollar amount of the deposit or down payment.

(7) No change.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History--New 7-11-95, Amended 11-13-97, 3-10-03, 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: January 9, 2008

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: RULE TITLE:

61G4-21.003 Filing Claims

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language or add language to clarify procedures for filing claims.

SUMMARY: The rule amendment will delete unnecessary language or add language to clarify procedures for filing claims.

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 FS.

LAW IMPLEMENTED: 489.141 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.003 Filing Claims.

(1) through (2) No change.

(3) Where the final judgment, ~~board restitution or~~ order, or arbitration award of restitution is not expressly based on Section 489.129(1)(g), (j) or (k), F.S., claimant must present to the Board sufficient evidence to show that the contractor engaged in activity that is described in those subsections.

(4) In the event that the contractor filed for protection under the bankruptcy code, claimant must show a diligent attempt was made to participate in the distribution of assets, if any. If there were no assets for unsecured creditors, failure to participate in the bankruptcy shall not be grounds for claim denial.

(5) A claim for recovery must be made within 1 year after the conclusion of any civil, criminal, administrative action, or award in arbitration based on the act. If claimant is prevented from obtaining a judgment, board restitution order, or arbitration award, due to contractor's death, a claim for recovery must be filed within one year of the contractor's death. This paragraph applies to any claim not already filed with the board on July 1, 2004. Claims made between October 1, 1998 and July 1, 2004, shall be considered timely if the Construction Industry Licensing Board received a claim form at any time prior to or within one year after the conclusion of any civil, criminal, or administrative action or award in arbitration based on the act which gave rise to the claim.

(6) Claims already filed with the board as of July 1, 2004 are considered timely if made within 1 year after the conclusion of any civil, criminal, administrative action, or award in arbitration based on the act; or is made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; however, in no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim or more than 1 year after the conclusion of any civil or administrative action based on the act, whichever is later.

(7) If claimant dies before a claim is filed, claimant's estate is authorized to file a claim on claimant's behalf. If there is no estate, claimant's personal representative is authorized to file a claim on claimant's behalf.

(8) If claimant dies after a claim is filed, but before a claim is adjudicated, claimant's estate is authorized to proceed on claimant's behalf. If there is no estate, claimant's personal representative is authorized to proceed on claimant's behalf.

Specific Authority 489.108 FS. Law Implemented 489.141 FS. History--New 7-11-95, Amended 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: January 9, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.004  
 RULE TITLE: Claims Review

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add language to clarify claims review.

SUMMARY: The rule amendment will delete unnecessary language and add language to clarify claims review.

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 FS.

LAW IMPLEMENTED: 489.141, 489.143 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.004 Claims Review.

(1) No claims will be ~~accepted~~ ~~processed~~ until ~~35~~ 45 days after the date indicated on the final judgment, final board restitution order ~~Restitution Order, arbitration or award in arbitration.~~

(a) A claim number shall not be assigned until a completed and signed fund claim form, as incorporated in Rule 61G4-12.006, F.A.C., is received, along with the documentation required in Rule 61G4-21.003, F.A.C.

(b) Upon receipt of the completed claim form ~~as set out below a "Notice of Claim," as incorporated in Rule 61G4-12.006, F.A.C.,~~ notice will be given to the contractor(s) and the licensee determined to be the qualifier(s) of the business entity involved in the contract. Notice shall be given to the mailing address as it appears in the Department records.

(2) No change.

(3)(a) through (e) No change.

(f) When, after notice, the claimant has failed to provide documentation in support of the claims required by rule; ~~or~~

(g) Where the licensee has reached the aggregate limit; ~~or~~  
(h) The claimant has contracted for scope of work described in Section 489.105(3)(d)-(q), F.S.

For the purpose of oversight by the Board, the Recovery Fund's legal staff shall, on a monthly basis, provide the Chairperson, or the Chairperson's delegate with copies of all closing orders filed in the preceding period.

(4) through (5) No change.

(a) A completed and signed claim form; ~~;~~

(b) A final judgment, board restitution order of restitution, or arbitration award in arbitration;

(c) Evidence of a violation of Section 489.129(1)(g), (j), or (k), F.S., ~~violation;~~ and

(d) Evidence that all reasonable searches and inquiries have been undertaken.

(6) Claims shall be set for presentation review in claim number order.

(7) through (8) No change.

~~(9) Approved recovery fund claim cases shall be forwarded to the Department's Division of Regulation for collection efforts following payment to the claimant when appropriate.~~

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, 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: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.005  
 RULE TITLE: Payment of Claims

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify procedures for payment of claims.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify procedures for payment of claims.

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 FS.

LAW IMPLEMENTED: 489.141, 489.143 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.005 Payment of Claims.

(1) If the Board authorizes payment of any claim in full or in part, then it shall forward the final agency action with respect to the claim to the Secretary of the Department for payment.

(2) No change.

(3) No claimant eligible for, or currently receiving, restitution under a civil or criminal restitution order or other repayment plan shall be eligible to recover from the Fund until two or more payments have been missed. Prior to receiving any payments, such a claimant shall provide the Board with a sworn affidavit stating any written affirmation of amount received to date under such an order or plan, the date and amount of the last payment, and how much is still due and owing under such an order or plan.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, 6-19-03, 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: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.006  
 RULE TITLE: Subrogation and Assignment

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule title and to delete unnecessary language and add language to clarify Final Judgement and Board Restitution orders and procedures for payment from the Recovery Fund.

SUMMARY: The rule amendment will update the rule title and to delete unnecessary language and add language to clarify Final Judgement and Board Restitution orders and procedures for payment from the Recovery Fund.

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 FS.

LAW IMPLEMENTED: 120.69, 455.227(3)(b), 489.143 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, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.006 Subrogation and Assignment Collection Efforts.

(1) At the time of payment from the Recovery Fund, the claimant shall assign his or her right, title, and interest in any final judgment or board restitution order to the extent of such payment to the Recovery Fund.

~~(2) Claimant shall file the assignment in the records of the county where the original judgment has been filed.~~

~~(2)(3) Upon payment from the Recovery Fund assignment, the Board shall be surrogated to the right, title, and interest of the claimant, and any Any amount subsequently recovered on the final judgment, board restitution order, or arbitration award, or restitution order by the Board, to the extent of the right, title and interest of the Board therein, shall be for the purpose of reimbursing the Recovery Fund, to the extent of such payment from the Recovery Fund.~~

(a) If the claim is based on a final judgment, Claimant shall record the assignment in the public records of each county where the original judgment has been recorded.

(b) If the claim is based on a board restitution order, Claimant shall record the assignment with the Agency Clerk of the Department of Business and Professional Regulation.

~~(3)(4) The Board shall attempt to collect from the Contractor repayment of the funds disbursed by any means available to the claimant. Approved recovery fund claims eases~~

shall be referred forwarded to the Department's Division of Regulation for collection efforts following payment to the claimant when appropriate.

Specific Authority 489.108 FS. Law Implemented 120.69, 455.227(3)(b), 489.143 FS. History--New 7-12-05, 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: January 9, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.016 RULE TITLE: Video Tape Quality Standards

PURPOSE AND EFFECT: The rule repeal eliminates the obligations of the Commission to evaluate the quality of picture and audio components of videotaped courses.

SUMMARY: This rule 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: 475.04, 475.05, 474.17, 475.451 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.016 Video Tape Quality Standards.

~~(1) In addition to Commission evaluation of the video tape course content noted in Rule 61J2-3.008, F.A.C., the Commission will also evaluate overall quality of the video tape program and its resultant display on the classroom monitor receiver. Programs or lessons produced and displayed for individual or group instruction must maintain standards such~~

~~that the clarity and stability of the video tape, the monitor/receiver display, and the quality of the sound and viewing conditions do not interfere with the learning process. All students within the "viewing footprint" noted in Rule 61J2-3.017, F.A.C., must be able to clearly see and hear the entire video taped course instruction. The following general criteria will be used for evaluating video taped productions:~~

~~(2) Picture clarity. Although color is preferred, the program (lesson) may be recorded in black and white but it must be suitable for a compatible color system. It must have adequate picture definition (resolution) to avoid visual fatigue of the viewer and not interfere with the learning process. Factors which will be considered in evaluating a video tape program for picture clarity include brightness, contrast, definition, distortion, interference, focus, noise, resolution, smear, snow and streaking.~~

~~(3) Picture stability. Factors which will be considered in evaluating a video tape program for picture stability include interface, jitter, video level, modulation, picture signal, random interlace, raster, roll synchronization and tearing.~~

~~(4) Audio quality. Factors which will be considered in evaluating the audio (sound) portion of a program include crosstalk, fidelity, level and modulation.~~

Specific Authority 475.04, 475.05, 474.17, 475.451 FS. Law Implemented 475.04, 475.17, 475.451 FS. History--New 8-24-80, Formerly 21V-3.16, 21V-3.016, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.017 RULE TITLE: Video Tape Classroom Viewing Conditions

PURPOSE AND EFFECT: The rule repeal eliminates the obligation the Commission to regulate reviewing conditions for video presentations of courses.

SUMMARY: This rule 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: 475.04, 475.05, 4745.17, 457.451 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.017 Video Tape Classroom Viewing Conditions.

~~(1) The typical classroom “viewing footprint” using the video tape instruction method shall be as established below. Any significant variation from the “footprint” or from other guidelines herein established must have prior approval from the Commission. Multiple monitors may be used. When multiple monitors are used, they must not interfere with one another or distract students in different groups.~~

~~(2) To assure unobstructed viewing by all students in the classroom, each monitor shall be located, based on the classroom facility, 4 to 6 feet above the floor. The maximum vertical viewing angle (or tilt upward) for a student nearest the monitor shall not exceed 30 degrees.~~

~~(3) The minimum size of a monitor shall be 17 inches. The best distance for a particular classroom situation can be determined by experimentation. Distortion from sitting too near a monitor is likely to be as great as sitting too far away from it.~~

~~(4) Each student shall have adequate space within the “viewing footprint” to comfortably view the monitor for extended periods of time. In addition, each student shall also have an appropriate writing surface for holding notebook/textbook and for taking notes.~~

~~(5) There must be at least a 10 minute break after each 50 minutes of tape viewing. In addition, it is recommended that no more than 150 minutes of viewing time be administered during any 5 hour interval.~~

~~(6) Any classroom configuration not in accordance with the above classroom viewing conditions, including use of video projection units must have prior Commission approval.~~

Specific Authority 475.04, 475.05, 475.17, 475.451 FS. Law Implemented 475.04, 475.17, 475.451 FS. History—New 8-24-80, Formerly 21V-3.17, Amended 7-20-93, Formerly 21V-3.017, Amended 11-16-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

RULE NOS.:	RULE TITLES:
63D-4.001	Purpose and Scope
63D-4.002	Definitions
63D-4.003	Community Involvement in Design and Operation
63D-4.004	Life Safety Standards and Security
63D-4.005	Admission of Youth to a JAC
63D-4.006	Medication Management While Youth are in a JAC
63D-4.007	Juvenile Assessment Center Role in Responding to Criminal Street Gangs
63D-4.008	Release of Youth from a JAC

PURPOSE AND EFFECT: The rule specifies the department’s role in the operation of a juvenile assessment center, thus implementing Section 985.135, F.S.

SUMMARY: The rule governs the department’s participation in the operation of juvenile assessment centers, including the design and safety of the facilities, in the admission, screening, safe keeping and release of youth, and in responding to criminal street gangs.

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

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

SPECIFIC AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.135 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, March 11, 2008, 10:00 a.m.

PLACE: Knight Building, General Counsel’s Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

63D-4.001 Purpose and Scope.

The rule specifies the requirements and criteria describing the role that the department has in the operation of a juvenile assessment center.

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History--New \_\_\_\_\_.

63D-4.002 Definitions.

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

(1) Advisory Committee – Made up of representatives of the agencies participating in the development and on-going operations of the Juvenile Assessment Center (JAC). This committee facilitates interagency cooperation and collaboration within the community.

(2) Central Communications Center – The CCC is a 24-hour 7-day per week system to which incidents occurring at department or contract operated facilities or programs are reported.

(3) Criminal Street Gang – A formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consist of three or more persons who have a common name or common identifying signs, colors, or symbols and who have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

(4) Detention Risk Assessment Instrument (DRAI) – The instrument used to determine if a youth meets detention criteria and to determine whether a youth should be placed in secure, non-secure, or home detention care prior to a detention hearing.

(5) Gang Involved – A person who is a member of a criminal street gang as defined in the criminal street gang definition above and who meets two or more of the following criteria:

- (a) Admits to criminal street gang membership.
- (b) Is identified as a criminal street gang member by a parent or guardian.
- (c) Is identified as a criminal street gang member by a reliable informant.
- (d) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known criminal street gang members.

(e) Has been arrested more than once in the company of identified criminal street gang members for offenses, which are consistent with usual criminal street gang activity.

(f) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.

(g) Has been stopped in the company of known criminal street gang members four or more times.

(6) Interagency Agreements – An agreement signed by all parties participating in the JAC. Agreements include, but are not limited to provisions regarding the development of protocols and procedures for conflict resolution, resource identification, roles, responsibilities, and communication between interagency partners, and the daily operation of the assessment center.

(7) Juvenile Assessment Center (JAC) – community operated facilities and programs which provide collocated central intake and screening services for youth referred to the department.

(8) Juvenile Justice Information System (JJIS) – The department’s electronic information system used to gather and store information on youth having contact with the department.

(9) Probation Medical and Mental Health Clearance Form (Form HS 051) – The form used to screen for mental health, substance abuse and medical problems when law enforcement delivers a youth to the department upon apprehension. The purpose of the form is to comply with statutory requirements for diverting youth to the proper community resource if they require urgent treatment or intervention when arrested. The Probation Medical and Mental Health Clearance Form (Form HS 051) (January 2008) is incorporated, and is accessible electronically at: [http://www.djj.state.fl.us/forms/health\\_services/HS051\\_Probation\\_Medical\\_and\\_Mental\\_Health\\_Clearance\\_Form\\_1-08.pdf](http://www.djj.state.fl.us/forms/health_services/HS051_Probation_Medical_and_Mental_Health_Clearance_Form_1-08.pdf).

(10) Suicide Risk Screening Parent/Guardian Notification – Utilized in Juvenile Assessment Centers and by juvenile probation officers to inform the parent or legal guardian of a youth being discharged to the community that the youth’s response to suicide risk screening indicate he or she should receive a suicide risk assessment as soon as possible. The Suicide Risk Screening Parent/Guardian Notification Form MHSA 003 (August 2006) is incorporated, and is accessible electronically at [http://www.djj.state.fl.us/forms/mental\\_health\\_substance\\_abuse\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/mental_health_substance_abuse_services_forms_index.html).

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History--New \_\_\_\_\_.

63D-4.003 Community Involvement in Design and Operation.

(1) JACs provide collocated central intake and screening services for youth referred to the department. The department’s role is to ensure that an adequate number of staff, either departmental employees or contract provider staff, are deployed at a JAC to cover the functions of detention screening

and the initiation of the intake process. How other community agencies are involved will be determined by the needs identified by the local JAC advisory committee, by the investment of staff and resources made by those local agencies, and shall be clearly defined in the local interagency agreements.

(2) Because local law enforcement agencies and local departments of corrections are often involved in staffing a JAC, the department will rely on law enforcement standards where applicable except as regards to specific statutory direction such as, for example, found in Section 985.645, F.S.

Specific Authority 985.64 FS. Law Implemented 985.135(2), (3), 985.645 FS. History–New \_\_\_\_\_.

#### 63D-4.004 Life Safety Standards and Security.

(1) All JAC facilities must comply with sanitation and health codes. Written reports of inspections by state or local authorities shall be kept on file as assurance of continuing compliance with these codes.

(2) All facilities that use holding cells for youth must include in their process for utilization of these holding cells the following conditions:

(a) Males and females must never be placed together in the same holding cell.

(b) Staff must visually observe youth in holding cells every 10 minutes.

(c) A behavioral review must be held every 30 minutes.

(d) The observations and reviews must be documented in writing.

(e) If a holding cell is used by more than one youth at a time a safety decision must be made as to the potential risk of one youth to the other. Risk factors to consider are contagious disease, a marked difference in size, strength or age, predatory history and emotional stability.

Specific Authority 985.64 FS. Law Implemented 985.135(3), (4) FS. History–New \_\_\_\_\_.

#### 63D-4.005 Admission of Youth to a JAC.

(1) In order to implement the statutory prohibition Section 985.115(2), F.S., against the acceptance into the JAC of youth exhibiting symptoms or demonstrating behaviors that suggest the youth is in need of immediate evaluation or treatment due to physical illness/injury, mental illness, or intoxication, each youth must receive an initial medical clearance.

(2) Medical/Mental Health Screening process.

(a) Each youth must receive an initial medical and mental health clearance. Using the Probation Medical and Mental Health Clearance Form (Form HS 051) the screener shall evaluate the condition of each youth prior to being accepted into the JAC for detention screening. The clearance process will help ensure an appropriate response when law enforcement delivers a youth for screening who appears to be physically impaired due to drugs, alcohol, injury, or illness.

(b) If the clearance process reveals one or more of the conditions described in the statute, the law enforcement officer must be informed immediately so they can transport the child to the appropriate facility or to be seen by a qualified health care professional as defined in this protocol. The original police report should not be left at the JAC, but should accompany the child.

(c) There may be situations in which the clearance process indicates one or more of the conditions described in the statute, however, the law enforcement officer disagrees with the resulting need for medical clearance and immediate transport to a more appropriate facility. If the DJJ screener and the law enforcement officer disagree, or if law enforcement refuses to transport the youth to the appropriate facility, the screener will provide the law enforcement officer with copies of Section 985.115(c),(d),(e), F.S., and the local interagency agreement. (Both should be posted in a prominent place.) If the disagreement has still not been resolved, the screener will contact his/her immediate supervisor who will contact the law enforcement officer's supervisor, or Shift Commander. The screening supervisor's decision will be final. Department staff (including providers) and law enforcement staff should subsequently resolve any issues of dispute following the appropriate chain of command.

(d) There are circumstances where a youth who has already been admitted to the JAC becomes severely ill while awaiting detention screening, or awaiting transfer to detention or release to the parent or guardian. If it is obvious that the condition of the youth is severe or life threatening, or appears to be life threatening, the first person who becomes aware of the emergency will call 911 immediately to request Emergency Medical Services (EMS).

(e) If EMS determines that the youth requires prompt medical attention or prompt treatment, the youth will be immediately transported to the hospital via ambulance, regardless of his or her screening status. The JAC interagency agreement must identify which staff will accompany the youth to and remain present at the hospital until such time as the parent arrives (in the case of a youth not eligible for secure detention).

(f) If the detention screening was completed and the youth was evaluated as eligible for secure detention then a security plan while in the hospital must be implemented. Once determined that the youth requires hospitalization the following will take place based on the youth's screening status:

1. Youth has not been screened for detention. The JAC screener will collect sufficient data telephonically and by other sources to complete the Detention Risk Assessment Instrument (DRAI) to make a preliminary determination as to the youth's qualification for secure detention, non-secure detention or release with no detention status.

2. Youth has been screened for detention and is to be released to the parent or guardian. If the result of the detention screening is a release, then the screener will facilitate the release of the youth to the parent or guardian who will then assume custody of the youth.

(g) Mental health emergencies and substance abuse emergencies may occur in the JAC after the custody of the youth has been accepted from law enforcement. When there is reason to believe that a youth may be dangerous to self or others because of mental illness or substance abuse impairment, JAC staff should determine whether the youth requires emergency care. Individuals who are believed to be an imminent danger to themselves or others because of mental illness or substance abuse impairment shall require emergency mental health or substance abuse services. Procedures must be in place within the facility which ensure that staff immediately contact emergency medical services (911) in the event of a mental health or substance abuse emergency that requires emergency medical treatment.

(h) Procedures must also be in place for contacting the designated law enforcement agency and arranging for transportation of a youth believed to be mentally ill from the facility to a mental health receiving facility when the youth appears to meet the criteria for involuntary examination set forth Section 394.463, F.S. Procedures must also be in place for transporting a youth, who is believed to be substance abuse impaired, for emergency admission to a hospital, licensed detoxification facility or addictions receiving facility. If involuntary substance abuse admission (Section 397.675, F.S.) is initiated, a law enforcement officer may implement protective custody measures as described in Section 397.677, F.S., and take the youth to a hospital or to a licensed detoxification or addictions receiving facility.

(3) If a youth has been screened, is awaiting transportation to the juvenile detention center and needs to be hospitalized, the screener will contact the detention center superintendent or designee to inform them as to which hospital the youth has been transported. As part of this process the detention center will deploy detention center staff to the hospital as soon as possible, but no later than three (3) hours after receiving notice of the medical emergency.

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History—New \_\_\_\_\_.

#### 63D-4.006 Medication Management While Youth are in a JAC.

(1) As part of the screening process an arrested youth is asked if he or she is taking any medications. If the youth reports that he or she takes Insulin, the screener will advise the law enforcement officer to take the youth to a licensed health care professional for an assessment to ensure that the youth's blood sugar levels are not too high or too low. The youth will not be accepted for screening until documentation is provided

by a licensed health care professional that the youth has an acceptable blood sugar level. Upon return to the JAC the youth will be kept on constant sight and sound observation, and will be prioritized for completion of the screening process.

(2) Youth who report taking any one of the following medications will be accepted for detention screening at the JAC: seizure medication, asthma medication, heart medication, psychotropic medication, blood pressure medication or non-insulin diabetes medication. Because they make use of the medications listed in the previous sentence these youth will be prioritized and screened prior to other youth.

(3) If any youth taking the medication identified in subsection (1) or (2) above is screened as eligible for secure detention, detention staff will be notified that a youth awaiting placement is using one of the critical medications. JAC staff need to exhort the parents or guardians to deliver the youth's medication as soon as possible. Once the medication is available at the JAC detention will be required to retrieve and transport the youth as soon as possible but no later than three (3) hours following notification.

(4) If the youth is on a critical medication, in need of the next dose, and is not eligible for secure detention the parent or guardian will be notified (with notification attempts documented) to bring the medication when they come to the JAC to pick up their child. In the event that the screener cannot reach the parent or guardian or if they refuse to respond, the screener will make arrangements to transport the youth home, to a responsible adult or to a shelter.

(5) In the event the youth is placed in a shelter, the JAC staff will verbally advise the shelter supervisor of the youth's imminent need for medication.

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History—New \_\_\_\_\_.

#### 63D-4.007 Juvenile Assessment Center Role in Responding to Criminal Street Gangs.

(1) During the screening and intake process, probation and community intervention state staff and provider staff shall collect data to be used in determining a youth's gang involvement or affiliation, if any. All data and information collected during the intake and screening process shall be made a part of the youth's file. A Gang Member Alert must be entered into JJIS for any youth identified as a member of a criminal street gang as defined by Section 874.03, F.S. Information collected by the department in relation to criminal street gangs, criminal street gang membership, and criminal street gang activity shall be provided to local law enforcement for use by the Florida Department of Law Enforcement in maintaining the statewide data base.

(2) The methods and procedures developed must ensure coordinated efforts between the Department of Juvenile Justice and local law enforcement agencies for the purpose of sharing of information and identification related to gang involved

youth. Included in these methods and procedures is the requirement that all gang related information becomes a part of the youth's file and that criminal street gang activity and membership information is reported to the local law enforcement gang authority. All information sharing must be consistent with the requirements in Florida Statutes governing confidentiality. While in the JAC, reasonable efforts must be made to keep members of the same or rival gangs separated.

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History--New \_\_\_\_\_.

63D-4.008 Release of Youth from a JAC.

(1) If it is determined that a child who is eligible for detention based upon the results of the DRAI should be released from the JAC to his family, the state attorney must be contacted to receive authorization to release. If detention is not authorized, the child may be released in accordance with statute.

(2) A goal of the department is that youth shall not be kept or held in a JAC for longer than six (6) hours, from the time he or she is processed by law enforcement (booked) or turned over to designated JAC staff from law enforcement or other authorities. If a youth is held over the six-hour period for any reason, then the reasons for this delay and the actions taken to comply with this 6-hour goal must be documented. Managers should use this documentation to identify any systemic problems with meeting the six (6) hour time frame.

(3) There are circumstances where a youth who has already been admitted to the JAC and is awaiting detention screening, or has been screened and is either awaiting transfer to detention or release to the parent, may appear to become ill or complain of illness or injury. The appearance or complaint of physical or mental illness requires immediate attention, and once it has been determined that the youth is in need of further non-emergent medical attention, the following will take place based on the youth's screening status:

(a) Upon arrival to pick up the youth from the JAC, the parent or guardian shall be notified verbally and in writing by the JAC screener that the youth appears to be ill or has complained of illness or injury and that further medical assessment is needed after release. The parent or guardian will sign an acknowledgement form indicating their understanding of the situation.

(b) For youth being released to secure detention the detention center facility superintendent or designee will be notified immediately by phone of the youth's illness or injury. This person will be provided all available information regarding the youth's specific symptoms or complaints in order to facilitate an appropriate and timely medical assessment.

(4) If a youth admitted to a JAC is identified through screening or other sources as a potential suicide threat, but he or she does not meet the criteria requiring immediate transportation to a facility for evaluation, the following is required:

(a) If the youth is to be released to the parent or guardian, the parent or guardian must be informed that suicide risk factors were disclosed during preliminary screening, and that a full assessment of suicide risk should be conducted by a qualified mental health professional. The parent or guardian shall be provided with the form entitled "Suicide Risk Screening Parent /Guardian Notification" at Appendix O of the Mental Health and Substance Abuse Services Manual (2006). A copy of the youth's "Suicide Risk Screening Parent /Guardian Notification" form signed by the parent or guardian, is to be permanently filed in the youth's case management record.

(b) If the youth is being detained in secure detention a Suicide Risk Alert must be immediately entered into JJIS and the youth placed on constant observation until an Assessment of Suicide Risk is conducted. The screener will write "suicide risk" on the top page of the detention packet, verbally notify the Detention Center Superintendent or designee prior to the youth's transfer from the JAC and notify the transportation staff upon arrival. All of the above must be chronologically documented.

Specific Authority 985.64 FS. Law Implemented 985.135 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Ahearn, DJJ Probation and Community Intervention  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Darryl Olson, Assistant Secretary for Probation and Community Intervention  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-3.004	Inactive, Delinquent and Retired Status Fees

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the reduction of inactive and delinquent status fees for physicians.

SUMMARY: The proposed rule amendments reduce the fees for inactive and delinquent status from \$385 to \$360.

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: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.004 Inactive, Delinquent and Retired Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be \$360.00 ~~\$385.00~~.

(b) No change.

(c) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be \$360.00 ~~\$385.00~~.

(d) through (f) No change.

(2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02, 11-10-02, 4-25-06, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-4.024  
RULE TITLE: Restricted Licenses for Areas of Critical Need

PURPOSE AND EFFECT: The proposed a rule amendment is intended to address entities appropriate for area of critical need licenses.

SUMMARY: The proposed rule amendment clarifies entities which are appropriate for area of critical need licenses.

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

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

SPECIFIC AUTHORITY: 458.309, 458.310 FS.

LAW IMPLEMENTED: 458.310 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.024 Restricted Licenses for Areas of Critical Need.

(1) Areas of critical need, as that term is used in Section 458.310, F.S., are state mental institutions, state institutions for the mentally retarded, the Department of Corrections, all governmental correctional and detention facilities, and health manpower shortages areas established by the United States Department of Health and Human Services.

(2) Receipt of a restricted license does not automatically entitle the physician to a full, unrestricted license unless the requirements of Sections 458.311 and 458.313, F.S., in effect at the time of application for the full, unrestricted license are met.

Specific Authority 458.309, 458.310 FS. Law Implemented 458.310 FS. History—New 11-4-93, Formerly 61F6-22.024, 59R-4.024, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2008

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.003  
RULE TITLE: Standards of Practice; Discipline

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language for the second and third offense for failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

SUMMARY: The rule amendment will delete unnecessary language for the second and third offense for failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

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: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 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, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.003 Standards of Practice; Discipline.

- (1) through (4)(aa) No change.
- (4)(bb) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)

First Offense No change.

Second Offense	6 months probation with conditions and \$100 fine	1 year probation with conditions and \$2,000 fine
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Third Offense	1 year probation with conditions and \$500 fine	2 years probation with conditions and \$10,000 fine
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(cc) through (7) No change.

Specific Authority 456.079, 468.204 FS. Law Implemented 456.072, 456.079, 468.217 FS. History--New 9-12-88, Amended 11-9-92, Formerly 21M-15.002, 61F6-15.002, 59R-63.002, Amended 1-27-00, 12-27-01, 12-27-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: RULE TITLE:

64B11-4.005 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to "for end of life/palliative health care."

SUMMARY: The rule amendment will delete reference to "for end of life/palliative health care."

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: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.077 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, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.005 Citations.

(1) through (3) No change.

(4)(a) through (d) No change.

(e) First time failure to complete required continuing education hours, which includes but is not limited to required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. The fine shall be \$50.00 per hour for each hour of deficiency, up to a maximum fine of \$1000.00. In addition, licensees shall make up the deficient continuing education and take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium. All such made up continuing education hours and additional continuing

education hours shall be completed and documentation of same shall be provided to the department within 90 days of the date the citation is filed.

- (f) through (g) No change.
- (5) through (6) No change.

Specific Authority 456.077, 468.204 FS. Law Implemented 456.072, 456.077 FS. History--New 1-1-92, Formerly 21M-15.005, 61F6-15.005, Amended 11-13-96, Formerly 59R-63.005, Amended 2-20-02, 7-26-04, 8-2-05, 5-29-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.: 64I-4.001  
 RULE TITLE: Procedures for Investigations of Florida Clean Indoor Air Act (FCIAA) Complaints

PURPOSE AND EFFECT: It is the purpose of this rule amendment to conform the rule to the current statute.

SUMMARY: The proposed amendment will revise the current procedures to be followed by the Department when investigating Florida Clean Indoor Air complaints and notifying alleged violators.

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: 386.2125 FS.  
 LAW IMPLEMENTED: 381.0012, 386.206, 386.207 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: Erin Levingston, Paralegal Specialist, General Counsel's Office, 4052 Bald Cypress Way, Mail Bin A-02, Tallahassee, Florida 32399-1743, (850)245-4005 or, erin\_levingston@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

~~64I-4.001 Procedures for Investigations of to be Followed by Department of Health (DOH) Personnel When Investigating Florida Clean Indoor Air Act (FCIAA) Complaints and Notifying Alleged Violators.~~

(1) During inspections, DOH ~~environmental health~~ personnel shall document all observed violations of the Florida Clean Indoor Air Act (FCIAA) according to the requirements of Chapter 64I-4, F.A.C.

(2) Cigarette and cigar butts, ashes, and receptacles shall be documented as evidence of violations of the FCIAA.

~~(3)(2)~~ Upon completion of the on-site inspection, DOH ~~environmental health~~ personnel shall complete the required sections of the Request for Inspection Form, a copy of which may be obtained from the Department of Health, Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743, and which is incorporated herein by reference, reporting ~~that:~~ facts relating to compliance with the FCIAA.

~~(a) The enclosed indoor workplace is not in compliance with the FCIAA and administrative proceedings shall be initiated, or~~

~~(b) There were no violations of the FCIAA found and the case shall be closed.~~

~~(4)(3)~~ The county health department director or administrator will forward the completed inspection form to the Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743.

~~(5)(4)~~ Upon receipt of the ~~county health department~~ report, the Division of Health Access and Tobacco shall: evaluate the report for further action in accordance with Chapters 120, 381, and 386, F.S.

~~(a) Initiate administrative procedures according to the provisions of Chapter 120, F.S., or~~

~~(b) Close the case.~~

Specific Authority 386.207, 386.2125 FS. Law Implemented 381.0012, 386.206, 386.207 FS. History--New 2-27-94, Amended 4-2-96, Formerly 10D-105.008, 64D-1.001, 64E-25.001, Amended 11-5-02, 8-16-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregg Smith  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gregg Smith  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.: 64I-4.002  
 RULE TITLE: On-Site Investigations of Enclosed Indoor Workplaces

PURPOSE AND EFFECT: It is the purpose of this rule amendment to conform the rule to the current statute.

SUMMARY: The proposed amendment will revise the current procedures to be followed by the Department when investigating Florida Clean Indoor Air 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: 386.2125 FS.

LAW IMPLEMENTED: 386.206, 386.207 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: Erin Levingston, Paralegal Specialist, General Counsel’s Office, 4052 Bald Cypress Way, Mail Bin A-02, Tallahassee, Florida 32399-1743, (850)245-4005 or erin\_levingston@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64I-4.002 On-Site Investigations of Enclosed Indoor Workplaces.

During inspections or investigations of any Florida Clean Indoor Air Act (FCIAA) complaint, DOH ~~environmental health~~ personnel shall document all observed violation(s) of Section 386.206, F.S.

(1) The proprietor or other person in charge of an enclosed indoor workplace must develop a policy regarding the prohibition of smoking in an enclosed indoor workplace. Such policy must include a prohibition of smoking in the enclosed indoor workplace. Should there be no written policy, a violation of Section 386.206(1), F.S., exists and will be documented as: “Failure to develop a policy regarding smoking prohibition.”

(2) The proprietor or other person in charge of an enclosed indoor workplace shall implement a policy regarding smoking prohibition. If persons are observed violating the policy, and the proprietor or other person in charge witnesses or is made aware of a violation of Section 386.204, F.S., in the enclosed indoor workplace but nonetheless fails to implement the policy, a violation of Section 386.206(1), F.S., exists and shall be documented as: “Failure to implement a policy regarding smoking prohibition.”

(3) The proprietor or other person in charge of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted shall conspicuously post, or cause to be posted, signs designating areas where smoking is permitted for such purposes within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(3), F.S., exists and will be documented as: “Failure to post signs designating smoking permitted areas.”

~~(4) The proprietor or other person in charge of an enclosed indoor workplace where, prior to the adoption of s. 20, Art. X of the State Constitution was required to post signs under Section 386.206, F.S., shall continue to post signs stating that smoking is prohibited within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(2), F.S. exists and will be documented as: “Failure to post smoking prohibited signs.”~~

Specific Authority ~~386.207~~, 386.2125, FS. Law Implemented 386.206, 386.207 FS. History—New 2-27-94, Amended 2-19-96, 4-2-96, Formerly 10D-105.009, Formerly 64D-1.002, 64E-25.002, Amended 11-5-02, 8-16-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregg Smith

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gregg Smith

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NO.: 69V-560.102  
 RULE TITLE: Application Forms, Procedures and Requirements

PURPOSE AND EFFECT: Rule 69V-560.102, F.A.C., is being amended to reduce fingerprint processing fees from \$47 to \$42.25. The current fee of \$47 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$24 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice has reduced its fee from \$24 to \$19.25. Therefore, the rule is being amended to reduce fingerprint processing fees from \$47 to \$42.25.

SUMMARY: The rule is being amended to reduce fingerprint processing fees from \$47 to \$42.25.

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: 215.405, 560.105(3), 560.305 FS.

LAW IMPLEMENTED: 215.405, 560.205, 560.305, 560.306, 560.102, 560.106 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: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) through (4) No change.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z), effective 7/15/07, which is hereby incorporated by reference, accompanied by a nonrefundable \$42.25 ~~\$47~~ processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (10) No change.

Specific Authority 215.405, 560.105 ~~560.105(3)~~, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History--New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

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

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9B-3.053	Alternative Plans Review and Inspection Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 45, November 10, 2005 issue of the Florida Administrative Weekly has been withdrawn.

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

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

#### DEPARTMENT OF ELDER AFFAIRS

##### Division of Statewide Community Based Services

RULE NOS.:	RULE TITLES:
58N-1.003	Service Descriptions
58N-1.005	Service Provider Qualifications
58N-1.007	Program Standards and Operating Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly has been withdrawn.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-9.034	Reports

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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