

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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) through (3) No change.

(4) Proposed Effective Date is December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.002, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted.

(1) through (2) No change.

(3) Proposed Effective Date is December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.003, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted.

(1) through (2) No change.

(3) Proposed Effective Date is December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06, 5-18-08, 12-31-08.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code.

(1) through (5) No change.

(6) Proposed Effective Date is December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.005, Amended 11-28-04, 5-18-08, 12-31-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2008

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 34, August 22, 2008 Florida Administrative Weekly has been continued from August 19, 2008 to December 2, 2008.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09942	State Uniform Transfer of Students in the Middle Grades

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 20, May 16, 2008 issue of the Florida Administrative Weekly.

As noticed in the June 27, 2008, edition of the Florida Administrative Weekly, Proposed Rule 6A-1.09942 was continued from June 17, 2008 to August 19, 2008. The State Board approved the proposed rule as rewritten to read:

6A-1.09942 State Uniform Transfer of Students in the Middle Grades.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and courses for students entering Florida’s public schools composed of middle grades 6, 7, and 8 from out of state or out of country. The procedures shall be as follows:

(1) Grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school’s accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, successful completion of courses shall be validated through performance during the first grading period as outlined in subsection (2) of this rule.

(2) Validation of courses shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level

and should be passing each required course at the end of the first grading period. Students who do not meet this requirement shall have courses validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.

(3) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives identified in the district student progression plan shall be used for validation purposes as determined by the teacher, principal, and parent:

(a) Portfolio evaluation by the superintendent or designee;

(b) Demonstrated performance in courses taken at other public or private accredited schools;

(c) Demonstrated proficiencies on nationally-normed standardized subject area assessments;

(d) Demonstrated proficiencies on the FCAT; or

(e) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(c) and (d) of this rule if required.

Specific Authority 1003.4156(3), 1003.25(3) FS. Law Implemented 1003.25(3) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                      RULE TITLE:  
6A-6.05271                      Standards for the Use of Reasonable Force

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                      RULE TITLE:  
6A-6.0573                      Industry Certification Process

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

The Industry Certification Funding List as incorporated by reference in Rule 6A-6.0573 has been amended to remove NCCER Carpentry Level 5.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers' Compensation Administrative Trust Fund

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 20, May 16, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                      RULE TITLE:  
9B-13.0041                      Thermal Efficiency Standards Adopted

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 15, April 11, 2008 issue of the Florida Administrative Weekly. A Notice of Change was published in the August 1, 2008, edition of the Florida Administrative Weekly. There was an incorrect reference to Vol. 34, No. 23, June 6, 2008, for publication of the Notice of Proposed Rulemaking. The correct volume, number and date is set out above.

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

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.302
RULE TITLE: Copying Services for Inmates
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 13, March 28, 2008 issue of the Florida Administrative Weekly.

Institutional Programs Education

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to judicial or administrative forums. Copying services as described in this rule shall only be provided for documents already in the inmate's possession. An inmate wishing to obtain documents from the department shall utilize Rule 33-601.901, F.A.C., or the discovery process in active litigation. No provision of this section shall be implemented in such a way as to conflict with any administrative order, administrative rule, judicial rule or judicial order.

(2) through (7) No change.

(8) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records before being allowed to examine the records. Copies will not be provided unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

(8)(9) No change.

Specific Authority 944.09, 945.6038 FS. Law Implemented 944.09, 945.6038 FS. History-New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, 33-602.405, Amended 4-29-04, 8-5-07, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: 61A-1.0105, 61A-1.0108, 61A-1.0109, 61A-1.01010, 61A-1.01011, 61A-1.01012, 61A-1.01021, 61A-1.01022
RULE TITLES: Brand Images, Combination Packages, Point of Sale Coupons, Premium Offers, Sweepstakes, Drawings, or Contests, Vendor's Property Included in Contests or Sweepstakes, Returns of Damaged Products, Returns of Undamaged Products

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 3, August 22, 2008 issue of the Florida Administrative Weekly.

61A-1.0105 Brand Images.

(1) A manufacturer or distributor may provide to any all vendors without conditions copy-ready images of alcoholic beverage brands, logos, or products in any format including newspaper cuts, mats, or engraved blocks, electronic or otherwise.

(2) "Copy-ready" images are those images ready to be reproduced for immediate use in advertising.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.42 FS. History-New \_\_\_\_\_.

61A-1.0108 Combination Packages.

Manufacturers and distributors may package and distributors may offer and sell to vendors, non-alcoholic beverages or products packaged with alcoholic beverages at the non-combination package price or higher.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History-New \_\_\_\_\_.

61A-1.0109 Point of Sale Coupons.

(1) Coupons include both paper and electronic forms of discounts and rebates. At a vendor's request, paper coupons must be made available in place of electronic coupons. A purchase is required in order for the consumer to receive the discount or rebate.

(2) Coupon promotions may be offered to on-premises or off-premises licensed vendors only, or to both, and must be offered to all vendors in a defined market area. A defined market area is an area no smaller than a 5-digit ZIP code.

(3) All coupons shall have a specific monetary value and shall be offered to vendors in similar quantities at the same time based on the vendor's inventory of the promotion products and the promotion products ordered.

(4) When an electronic form coupon is offered to a consumer, there must be a conspicuous sign or notice of the discount and its amount on the vendor's licensed premises for the duration of the coupon promotion.

(4)(5) Vendors shall seek and accept reimbursement only from a manufacturer or distributor, or their designated agent, for a consumer purchase of the product.

(5)(6) Reimbursement to vendors shall not exceed the face value of the coupon and the customary handling charge, which shall be the same charge for all vendors during the coupon period.

(6)(7) Malt beverage distributors shall not provide malt beverage coupons to vendors; however, they may deliver manufacturer's coupons to vendors.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01010 Premium Offers.

(1) “Premium Offer” means value-added merchandise, travel, or services held out to consumers in exchange for their purchase of an alcoholic beverage product, sometimes referred to as “product gift” or “gift with sales promotion.”

(2) Manufacturers and distributors may furnish premium offers on products to consumers with proof of purchase and may provide vendors with point-of-sale advertising and order forms.

(3) ~~Premium offers shall be made available to all vendors who wish to participate. The premiums shall be offered in similar quantities at the same time; however, the P~~premiums shall not be given or loaned to the vendor for display.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01011 Sweepstakes, Drawings, or Contests.

(1) Manufacturers and distributors may provide entry forms, rules, and point-of-sale advertising materials ~~pieces to vendors. These advertising materials must be offered to all vendors who wish to participate in similar quantities at the same time.~~

(2) Sweepstakes, drawings, and contests shall not require proof of purchase to enter and shall be open for the general public to participate; however, no vendor, ~~or~~ vendor’s employee, or agent shall be eligible to participate or win. A means of entry may be provided with a purchased alcoholic beverage, so long as an alternative means of entry not requiring a purchase is made available.

(3) Vendors shall not collect completed entry forms and the selection of winners shall not occur at a vendor’s place of business. Live or electronic contests sponsored by manufacturers or distributors shall not be held at a vendor’s place of business.

(4) Section 849.094, F.S. requires registration of consumer games where prizes are awarded in excess of \$5,000 with the Florida Department of Agriculture and Consumer Affairs.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01012 Vendor’s Property Included in Contests or Sweepstakes.

(1) Manufacturers or and distributors may administer consumer contests and sweepstakes that include a vendor’s property as the prize. However, the contest or sweepstakes shall not be a joint venture with a vendor. Any contest or sweepstakes prizes purchased by the manufacturer or distributor shall be purchased at the same cost as charged to the general public. Any room rental fee paid by the manufacturer or distributor to the vendor shall be at the vendor’s normal rate.

(2) Manufacturers or and distributors may use the names and pictures of the vendor’s properties related to prizes awarded to consumers. Any reference to a vendor shall be relatively inconspicuous, which in no case may be more 20 percent of the total size of the advertisement or entry form in relation to the total size of the advertisement or entry form.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01021 Returns of Damaged Products.

(1) Vendors may return damaged products to distributors. Vendors shall notify distributors of damaged products received from the distributor within ten days after delivery in order to obtain a credit or exchange. Damaged products shall be verified by the distributor’s representative prior to issuing a credit or exchange. Damaged products shall be exchanged in exact quantities with products of near or equal value made by the same manufacturer and in the same size containers unless a credit or cash is issued at the time of the return with supporting documentation. Products damaged by vendors shall not be returned to the distributor for credit or exchange and will be the vendor’s liability.

(2) Distributors shall maintain records of vendor requests for return of damaged products with reference made to the original invoice showing the delivery date and any credit memo issued. Distributors shall make and keep a transaction record of all exchanges detailing the date, the licensed vendor, business name and address, the vendor’s license number, and the product exchanged for products, cash, or credit.

(3) No return of the product shall be permitted if the vendor’s request is made more than ten days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective 6/5/97. This form may be obtained from the Department’s website at <http://www.myflorida.com/dbpr/abt/index.html>.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01022 Returns of Undamaged Products.

(1) Distributors shall not make consignment sales to vendors. Vendors who make a request for return of undamaged products within five days after delivery shall be entitled to cash or a credit within ten days after the request and at the same time the distributor picks up the products. The distributor shall document the request on the credit or refund memo. The five-day requirement excludes days that either the vendor or the distributor are closed for business.

(2) No return of the product shall be permitted if the vendor’s request is made more than five days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective

6-5-97. This form may be obtained from the Department's website at <http://www.myflorida.com/dbpr/abt/index.html>.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-12.011  
 RULE TITLE: Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 27, of the July 3, 2008, issue of the Florida Administrative Weekly. The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated July 23, 2008 and modifications made by the Board at the hearing on August 14, 2008. No Statement of Costs was prepared. The Board determined the proposed rule will not have an impact on small businesses at their meeting on August 13, 2008. The change is as follows:

The Rule 61G4-12.011(15) and the History of the rule shall read as:

(15) "Services" for purposes of sanitary sewer collection systems, main water distribution systems, storm sewer collection systems and utility lines as defined in Section 489.105(3)(n), Florida Statutes, shall include, the construction, installation, and repair of vertical improvements above grade, such as headwalls, end-walls, and retaining walls. Vertical improvements shall not exceed twenty feet in elevation above grade and vertical improvements below grade shall not be restricted. In addition, vertical improvements above grade shall also include structures designed to house pumps, lift stations, or other related equipment. In no case should said structures exceed 500 square feet.

Specific Authority 489.103(5), ~~489.105(3)~~, 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History--New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, 10-4-99, 2-12-08, \_\_\_\_\_.

**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 ENVIRONMENTAL PROTECTION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-160	Quality Assurance
RULE NOS.:	RULE TITLES:
62-160.110	Purpose, Scope and Applicability
62-160.120	Definitions and Standards
62-160.210	Approved Field Procedures
62-160.220	Approval of New and Alternative Field Procedures
62-160.240	Record Keeping and Reporting Requirements for Field Procedures
62-160.300	Laboratory Certification
62-160.320	Approved Laboratory Methods
62-160.330	Approval of New and Alternative Laboratory Methods
62-160.340	Record Keeping and Reporting Requirements for Laboratory Procedures
62-160.400	Sample Preservation and Holding Times
62-160.405	Electronic Signatures
62-160.650	Field and Laboratory Audits
62-160.670	Data Validation by the Department
62-160.700	Tables
62-160.800	Documents Incorporated by Reference

OGC NO.: 07-1024

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 26, June 27, 2008 issue of the Florida Administrative Weekly.

62-160.110 Purpose, Scope and Applicability.

No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History--New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.110, Amended 3-24-96, 4-9-02, 6-8-04, \_\_\_\_\_.

62-160.120 Definitions and Standards.

For purposes of this chapter:

(1) through (33) No change.

(34) "Statewide method" is a field procedure or analytical laboratory method that is validated for the collection or testing of environmental samples from similar sites or waste streams within the state of Florida by multiple field sampling organizations or laboratories, as applicable. The process for the validation of a statewide method is outlined in Sections FA 2100 and FA 2200 of FA 1000 (Regulatory Scope and Administrative Procedures for Use of FDEP SOPs) in DEP-SOP-001/01 (March 31, 2008), and "New and

Alternative Analytical Laboratory Methods”, DEP-QA-001/01 (February 1, 2004)” which are incorporated by reference in Rule 62-160.800, F.A.C.

(35) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.120, Amended 3-24-96, 4-9-02, 6-8-04,\_\_\_\_\_.

62-160.210 Approved Field Procedures.

(1) through (2) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.210, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04,\_\_\_\_\_.

62-160.220 Approval of New and Alternative Field Procedures.

(1) through (6) No change.

(7) The approval or disapproval of any submitted new or alternative field procedure shall be noticed as follows:

(a) For procedures that are submitted for site-specific use, the Department shall issue an order of approval or disapproval of the new or alternative field procedure to the person who submitted the procedure (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the procedure shall be included or incorporated by reference in the order. On the date of its issuance, the order and the new or alternative field procedure shall be submitted for posting on the Department’s Internet site, and all persons enrolled to receive the Department’s Quality of Science eNewsletter shall be notified of the approval or disapproval of the submitted procedure via the designated listserve.

(b) For procedures that are submitted for statewide use, the Department shall issue an order to the person who submitted the procedure (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the procedure shall be included or incorporated by reference in the order. A notice of the order approving or disapproving the procedure shall be published in the Florida Administrative Weekly. On the date of its issuance, the order and the new or alternative field procedure shall be submitted for posting on the Department’s Internet site, and all persons enrolled to receive the Department’s Quality of Science eNewsletter shall be notified of the approval or disapproval of the submitted procedure via the designated listserve.

(c) Any person substantially affected by the approval or disapproval of the new or alternative field procedure may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of the order for site-specific use and within 21 days of the date of publication of the order in the Florida Administrative Weekly for statewide use.

~~(8)(7)~~ Any new or alternative field procedure approved for statewide use shall be incorporated into updates of the Department’s field sampling procedures (DEP-SOP-001/01). New or alternative field procedures approved for limited use shall not be incorporated into DEP-SOP-001/01.

~~(9)(8)~~ A field procedure approved by the Department shall be removed from approval if new technical, scientific or regulatory information justifies its removal. The Department shall use the best scientific and technical information, methods and data in its possession in making the determination to remove a procedure from approval.

(a) For a new or alternative field procedure that was approved for site-specific use, the Department shall issue an order of rescission of approval of the new or alternative field procedure to the person who submitted the procedure (including the Department). Any additional administrative or scientific information pertinent to the rescission of approval of the procedure shall be included or incorporated by reference in the order. On the date of its issuance, the order shall be submitted for posting on the Department’s Internet site, and all persons enrolled to receive the Department’s Quality of Science eNewsletter shall be notified of the rescission of approval of the procedure via the designated listserve. Any person substantially affected by the rescission of approval of the new or alternative field procedure may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of the order. ~~If the affected procedure has been approved for statewide use and incorporated into the Department’s field sampling procedures (DEP-SOP-001/01), the Department shall issue a notice of intent to revise the SOPs to remove the affected procedure. This notice shall include the technical justification for the removal of the procedure and shall be published in the Florida Administrative Weekly and on the Department’s Internet site. Any substantially affected party may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of receipt of the notice.~~

(b) For a new or alternative field procedure that was approved for statewide use, the Department shall issue an order of rescission of approval of the new or alternative field procedure to the person who submitted the procedure (including the Department). Any additional administrative or scientific information pertinent to the rescission of approval of the procedure shall be included or incorporated by reference in the order. A notice of the order rescinding approval of the procedure shall be published in the Florida Administrative Weekly. On the date of its issuance, the order shall be submitted for posting on the Department’s Internet site, and all

~~persons enrolled to receive the Department's Quality of Science eNewsletter shall be notified of the rescission of approval of the procedure via the designated listserve. Any person substantially affected by the rescission of approval of the new or alternative field procedure may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of publication of the order in the Florida Administrative Weekly. If the affected procedure has been approved for limited use, the Department shall issue a notice of intent to remove the procedure from approval. This notice shall include the technical justification for the removal of the procedure and shall be addressed to the party (e.g., permittee, consultant, company) initially requesting approval for the field procedure. Any substantially affected party may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of receipt of the notice.~~

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 1-1-91, Amended 2-4-93, Formerly 17-160.220, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04,\_\_\_\_\_.

62-160.240 Record Keeping and Reporting Requirements for Field Procedures.

(1) through (3) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 4-9-02, Amended 6-8-04,\_\_\_\_\_.

62-160.300 Laboratory Certification.

(1) through (6) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853, ~~403.863~~ FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.300, Amended 3-24-96, 4-9-02, 6-8-04,\_\_\_\_\_.

62-160.320 Approved Laboratory Methods.

(1) through (3) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 4-9-02, Amended \_\_\_\_\_.

62-160.330 Approval of New and Alternative Laboratory Methods.

(1) through (5) No change.

(6) The approval or disapproval of any submitted new or alternative method shall be noticed as follows:

(a) For methods that are submitted for limited use, the Department shall issue an order of approval or disapproval of the new or alternative method to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the method shall be included or incorporated by reference in the order. On the date of its issuance, the order and the new or alternative method shall be submitted for posting on the Department's Internet site, and all persons enrolled to receive the Department's Quality of Science eNewsletter shall be notified of the approval or disapproval of the submitted method via the designated listserve.

(b) For methods that are submitted for statewide use, the Department shall issue an order to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the approval or disapproval of the method shall be included or incorporated by reference in the order. A notice of the order approving or disapproving the method shall be published in the Florida Administrative Weekly. On the date of its issuance, the order and the new or alternative method shall be submitted for posting on the Department's Internet site, and all persons enrolled to receive the Department's Quality of Science eNewsletter shall be notified of the approval or disapproval of the submitted method via the designated listserve.

(c) Any substantially affected party may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of the order for limited use or within 21 days of the date publication of the order in the Florida Administrative Weekly for statewide use.

~~(7)(6)~~ Applicants who are analyzing discharges regulated under the National Pollutant Discharge Elimination System (NPDES) permit system shall comply with applicable provisions of the United States Environmental Protection Agency regulations in 40 CFR Part 136 paragraphs 136.4 ~~and~~ 136.5 ~~and~~ 136.6 (2008). Applicants shall submit the application to the Department, which shall forward the application to the United States Environmental Protection Agency Administrator of Region 4 for review and approval. The determination for approval or rejection shall be made by the United States Environmental Protection Agency.

~~(8)(7)~~ No change.

(9) Except for methods promulgated by the United States Environmental Protection Agency in the Federal Register, a new or alternative laboratory method approved by the Department shall be removed from approval if new technical, scientific or regulatory information justifies its removal. The Department shall use the best scientific and technical information, methods and data in its possession in making the determination to remove a laboratory method from approval.

(a) For a new or alternative laboratory method that was approved for limited use, the Department shall issue an order of rescission of approval of the new or alternative laboratory method to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the rescission of approval of the method shall be included or incorporated by reference in the order. On the date of its issuance, the order shall be submitted for posting on the Department's Internet site, and all persons enrolled to receive the Department's Quality of Science eNewsletter shall be notified of the rescission of approval of the method via the designated listserv. Any person substantially affected by the rescission of approval of the new or alternative laboratory method may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of the order.

(b) For a new or alternative laboratory method that was approved for statewide use, the Department shall issue an order of rescission of approval of the new or alternative laboratory method to the person who submitted the method (including the Department). Any additional administrative or scientific information pertinent to the rescission of approval of the method shall be included or incorporated by reference in the order. A notice of the order rescinding approval of the method shall be published in the Florida Administrative Weekly. On the date of its issuance, the order shall be submitted for posting on the Department's Internet site, and all persons enrolled to receive the Department's Quality of Science eNewsletter shall be notified of the rescission of approval of the method via the designated listserv. Any person substantially affected by the rescission of approval of the new or alternative laboratory method may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of the date of publication of the order in the Florida Administrative Weekly.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 4-9-02, Amended 6-8-04,\_\_\_\_\_.

62-160.340 Record Keeping and Reporting Requirements for Laboratory Procedures.

(1) through (7) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 4-9-02, Amended 6-8-04,\_\_\_\_\_.

62-160.400 Sample Preservation and Holding Times.

(1) No change.

(2) Sample preservation procedures, container material and maximum allowable holding times for analytes not specified in DEP-SOP-001/01 (March 31, 2008) shall follow

the preservation, container and holding time requirements specified in the selected analytical method ~~the method-specified requirements~~. If no method-specified requirements exist, the best available scientific knowledge shall be used as guidance for determining the appropriate procedures for use.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 1-1-91, Amended 2-4-93, Formerly 17-160.400, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04,\_\_\_\_\_.

62-160.405 Electronic Signatures.

(1) through (4) No change.

Specific Authority ~~403.0623~~, 668.006 FS. Law Implemented 668.006, 668.50 FS. History–New\_\_\_\_\_.

62-160.650 Field and Laboratory Audits.

(1) through (7) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 1-1-91, Formerly 17-160.650, Amended 3-24-96, 4-9-02, \_\_\_\_\_.

62-160.670 Data Validation by the Department.

(1) through (3) No change.

(4) If the audited data were originally generated for a specific purpose but are being considered for a secondary use for another purpose (secondary use) ~~are secondary use data~~, and the Department determines from the evaluation process, as described in subsections 62-160.670(2) and 62-160.670(3), F.A.C., above, that the data do not meet the data quality objectives for the secondary use, the Department will recommend that the data not be used by the program that is considering the secondary use. The recommendation not to use secondary data does not impact the usability or validity of the data for the program for which the data were originally intended.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.670, Amended 3-24-96, 4-9-02,\_\_\_\_\_.

62-160.700 Tables.

No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.700, Amended 3-24-96, 4-9-02, 6-8-04,\_\_\_\_\_.



62-160.800 Documents Incorporated by Reference.

(1) Specific references to the documents listed below are made throughout this chapter and are incorporated by reference.

(a) Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (March 31, 2008), Florida Department of Environmental Protection, Standards and Environmental Assessment Section.

(b) Department of Environmental Protection Standard Operating Procedures for Laboratory Activities, DEP-SOP-002/01 (March 31, 2008), Florida Department of Environmental Protection, Standards and Environmental Assessment Section.

(c) New and Alternative Analytical Laboratory Methods, DEP-QA-001/01 (February 1, 2004), Florida Department of Environmental Protection, Standards and Environmental Assessment Section.

(d) Department of Environmental Protection Process for Assessing Data Usability, DEP-EA-001/07, Florida Department of Environmental Protection, (March 31, 2008), Standards and Environmental Assessment Section.

(e) through (h) No change.

(i) Policy and Program Requirements for the Mandatory Agency-Wide Quality System, EPA Order 5360.1 A2, May 5, 2000, United States Environmental Protection Agency.

~~(i) U.S. Environmental Protection Agency Office of Water, Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA, EPA-821-R-99-006, April 1999.~~

(j) through (k) No change.

(2) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History–New 4-9-02, Amended 6-8-04,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-305.100	Scope of the Rule
62-305.300	General Program Information
62-305.400	Project Selection Criteria
62-305.900	Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

62-305.100 Scope of the Rule.

(1) No change.

(2) This ~~chapter rule~~ sets forth the procedures governing the distribution of funding from this program.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History–New\_\_\_\_\_.

62-305.300 General Program Information.

(1) An applicant may apply for a TMDL Water Quality Restoration Grant by completing a TMDL Water Quality Restoration Grant Proposal Application, Form 62-305.900, [EFFECTIVE DATE], which is incorporated herein by reference. Copies of the form may be obtained from the TMDL Water Quality Grant Restoration internet site at: [http://www.dep.state.fl.us/water/watersheds/tmdl\\_grant.htm](http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm), from any local district or branch office of the Department, or by writing to the Florida Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road (MS3510), Tallahassee, FL 32399.

(2) Grant applications may be submitted at any time throughout the year. The Department will review and rank projects using the criteria in Rule 62-305.400, F.A.C., three times a year, in March, July, and November. Projects will be selected for grant funding based on these rankings and the availability of funding. Projects not selected for funding will remain in the pool of projects that will be ranked for one year from the date of submittal. Applicants will be notified within 30 days after the review and ranking process whether their project has been selected for grant funding. Once notified of selection, the applicant must provide the Department with a final scope of work and budget so that the Department may develop and execute a grant agreement with the applicant. The number of projects selected for funding during any review and ranking cycle will depend on the availability of funding from the Legislature.

(3) through (7) No change.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History–New\_\_\_\_\_.

62-305.400 Project Selection Criteria.

(1) through (2) No change.

(a) through (b) No change.

(c) Percentage of local matching funds.

All projects must provide at least 50% matching funds. Points for local matching funds constitute the following percentage of total project costs:

1. Matching funds are greater than 50% (80 points)
  2. Matching funds between 41% to 50% (60 points)
  3. Matching funds between 31% to 40% (40 points)
  4. Matching funds between 26% to 30% (20 points)
  - ~~5. Matching funds are less than 25% (0 points)~~
- (d) through (f) No change.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History–New\_\_\_\_\_.

62-305.900 Forms.

The application used by the Department for TMDL Water Quality Restoration Grants is the "TMDL Water Quality Restoration Grant Proposal Application," Form 62-305.900, is adopted and incorporated by reference in subsection 62-305.300(1), F.A.C. ~~this section~~. Copies of the form may be obtained from the TMDL Water Quality Grant Restoration internet site at [http://www.dep.state.fl.us/water/watersheds/tmdl\\_grant.htm](http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm), from any local district or branch office of the Department, or by writing to the Florida Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road (MS3510), Tallahassee, FL 32399.

~~TMDL Water Quality Restoration Grant Proposal Application, [Effective Date].~~

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History–New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:                   RULE TITLE:  
64B10-11.001               Application for Examination  
                                  NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the following change has been made to the proposed rule specific authority, law implemented and application form number DH-MQA-NHA002 in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 12, of the March 21, 2008, issue of the Florida Administrative Weekly. The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated May 2, 2008, and modifications made on June 27, 2008 by the Board of Nursing Home Administrators

The changes are as follows:

Specific Authority shall read as: 456.033(7), 468.1685(1), (2), 468.1695(1) FS.

Law Implemented shall read as: 456.003(6), 468.1685(2), 468.1695(1), 468.1705 FS.

Form DH-MQA-NHA002, Application Instructions for Original Examination & Endorsement/Temporary Forms, (revised 10/2007), will reflect those modifications.

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:                   RULE TITLE:  
64B10-16.001               General Information

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the following change has been made to the proposed rule application form number DH-MQA-NHA003 in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 34, of the August 24, 2007, issue of the Florida Administrative Weekly. The change is in response to concerns by the Joint Administrative Procedures Committee in letters dated December 12, 2007 and April 16, 2008, regarding the proposed revision to form DH-MQA-NHA-OO3 and modifications made by the Board of Nursing Home Administrators on June 27, 2008.

Form DH-MQA-NHA003, Application Instructions for Administrator-In-Training Forms, (revised 10/2007), shall be modified to reflect those modifications.

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
64B19-12.0075               Biennial Limited License Renewal  
                                  Fee

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 16, April 18, 2008 issue of the Florida Administrative Weekly.

The change is in response to a scrivener's error discovered after the Notice of Proposed Rulemaking published. The rule shall now read as follows:

The fee for renewal of an inactive limited license is \$25.00.

Specific Authority 456.036(3) FS. Law Implemented 456.036(3) FS. History–New\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

## FINANCIAL SERVICES COMMISSION

## OIR – Insurance Regulation

RULE NO.:                   RULE TITLE:  
69O-149.041               Marketing Communication Material  
  and Marketing Guidelines

## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly.

69O-149.041 Marketing Communication Material and Marketing Guidelines.

(1) Any marketing communication shall comply with the requirements of Rule Chapter 69O-150, Part III, F.A.C.

(2) Any insurer marketing small group health plans shall comply with the following guidelines:

(a) The small group health history or size shall not be used to direct the small group to a particular small group plan except as permitted by the provisions of Section 627.6699, F.S.

(b)1. In determining eligibility for small group coverage an employer/employee income may not be used.

2. A carrier may request information and documentation to determine whether an individual qualifies as an active business that is eligible for coverage.

3. The following information, records, or documents may be requested or considered in determining whether an employer meets the definition of small employer pursuant to Section 627.6699(3)(v), F.S. If the employer was required by applicable law to maintain the information, record or documents or to file the document with a local, state or federal governmental agency or authority; maintains the information in the normal course of business; or was issued the information, records, or documents by a local, state, or deferral agency or authority:

- a. IRS form 1040, Schedule C or F.
- b. IRS 941 (quarterly wage and tax form).
- c. IRS 1065 (for partnership income).
- d. IRS 1120 (corporate income).
- e. IRS 1099 (which may include payments to independent contractors).
- f. IRS 2106 (employee business expenses).
- g. IRS 990 (for non-profits with annual receipts over \$25,000).
- h. Occupational Licenses.
- i. State Licenses.
- j. Florida UT 6 (unemployment compensation tax form).
- k. Articles of incorporation.
- l. Partnership agreements.
- m. Affidavits from the customers or suppliers of the small employer.

n. Auditable personal records of receipts, expenditures, invoices.

o. Leases and other contracts.

4.a. Refusal to insure an eligible small employer because of the employer's refusal or unwillingness to provide information, records or documents which are not necessary to reasonably establish that the employer meets the definition of Section 627.6699(3)(v), F.S., violates Section 627.6699(5)(a), F.S.

b. Any ~~carrier statement~~ that knowingly requires the submission of information not necessary for determining eligibility as a condition of the issuance of coverage engages in an unfair method of competition in violation of Section 626.9541(1)(b), F.S. ~~information not necessary for determining eligibility be provided for coverage to be issued shall constitute an unfair method of competition in violation of Section 626.9541(1)(b), F.S.~~

(c) In the instance where a company splits to become two or more corporations, with each corporation employing less than 50 employees, they are considered an eligible small employer if:

1. The group is not splitting solely with the intent of providing health insurance coverage to a separate class of employees;

2. The new company can produce signed documentation (i.e., articles of incorporation) that substantiates that there is a legitimate business with business activity;

3. All eligible employees are working 25 hours or more per week.

(d) New and renewal policies for the Basic and Standard policies issued on or after May 1, 1995, must include the 1995 Basic and Standard Health Benefit Plans (OIR-B2-95) pursuant to Section 627.6699(12), F.S., which is incorporated herein by reference and can be obtained from Life and Health Product Review ~~the Bureau of Life and Health Forms and Rates.~~

(e)1. Pursuant to Section 626.9611, F.S., the Office identifies the following as being prohibited by Sections 626.9541(1)(b) ~~or 626.9541(1)(g)~~, F.S., for a small employer carrier in reflecting any of the permitted rate adjustments in subsection 69O-149.037(6), F.A.C.:

a. Knowingly quoting ~~To quote~~ a rate which does not reflect the actual characteristics of the individual group; or

b. Where necessary underwriting information has not been analyzed, knowingly quoting ~~to quote~~ a rate other than the approved community rate. Any such quote of the community rate shall include a disclosure that the rate will be affected by the results of underwriting by up to 15 percent up or down for new groups, or up to a 10 percent increase for renewal groups.

2. This does not restrict carriers from quoting rates to groups based on estimated enrollment or demographics provided by the employer.

(f) Any practice that results in the declination of an application from an eligible small employer, other than for statutorily permitted reasons, constitutes a failure to comply with the guaranteed-issue requirements of Section 627.6699(5), F.S.; for example, imposing standards for eligibility that are not required by law, such as:

1. Requiring the small employer to be a domestic entity; or
2. Requiring the group to have prior group coverage; or
3. Requiring payment of premiums with business checks instead of personal checks.

(g) All applications used by carriers to obtain information to offer and issue a small employer health benefit plan to an eligible small employer shall be on a form which the eligible small employer shall complete. Forms that require employees to complete application information or provide additional health details to the eligible small employer as a condition for the eligible small employer to obtain coverage are prohibited.

Specific Authority 626.9611, 627.6699(13)(i), (17) FS. Law Implemented 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (5)(c), (7), (12), (12)(c), (13), (13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.041.

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## Section IV Emergency Rules

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

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

### DEPARTMENT OF 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."

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Vessel Registration and Boating Safety

RULE NO.:	RULE TITLE:
68DER08-1	Emergency Closure to Vessels – St. Johns River and Tributaries

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:** Recent rains from Tropical Storm Fay have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the flood plain. This flooded condition has created an immediate danger to vessels transiting the area.

Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boat houses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning. The flood now submerges the accustomed footpaths and handholds. Within these submerged areas, vessel wakes could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death. Vessel operation at speeds greater than Idle Speed No Wake in the vicinity of Lake Monroe and the St. Johns River north and west of Lake Monroe presents an immediate danger to vessels and their occupants and to persons in or near the river. Operation of vessels at any speed on the waters of the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe presents an immediate danger to vessels and their occupants and to persons in or near the river.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** There is general concurrence from Volusia, Seminole, Brevard, and Orange Counties, the Florida Inland Navigation District, the Florida Fish & Wildlife Conservation Commission's field office in Ocala, and the FWC Boating and Waterways Section, that enactment of an Idle Speed No Wake boating restricted area in Lake Monroe and the waters north and west of the lake, and the enactment of a vessel exclusion boating restricted area closing the river and its tributaries to all vessel traffic within the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe is essential for the protection of public safety.

This emergency rulemaking is being coordinated with the United States Coast Guard, the United States Army Corps of Engineers, and the sheriffs of the affected counties. Each sheriff has consulted and coordinated this action with the Board of County Commissioners of their respective counties. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by regulatory markers posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind directions, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.