

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09441
RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The Course Code Directory contains a list of programs and courses that are funded through the Florida Education Finance Program and for which a student may earn credit towards high school graduation. The directory identifies the appropriate educator certification required for specified courses. The directory is updated annually. The purpose and effect of this rule development is to adopt the Course Code Directory and the updates/edits in it for the "2009-2010" school-year.

SUBJECT AREA TO BE ADDRESSED: Course Code Directory.

SPECIFIC AUTHORITY: 1001.02(1), 1011.62(1)(t), 1012.55 FS.

LAW IMPLEMENTED: 1011.62(1), 1012.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Heather Sherry, Director of K-20 Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399; (850)245-0427

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to https://app1.fldoe.org/rules/default.aspx

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule development is to review the Florida Teacher Certification Examination Competencies and Skills to identify necessary changes to selected subject area competencies and skills and to examine the current fee structure for possible changes. The effect will be the proposed adoption of new competencies and skills, passing scores, and fee structure.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.56(9), 1012.59(1) FS.

LAW IMPLEMENTED: 1012.56, 1012.59 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Michael Jones, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to https://app1.fldoe.org/rules/default.aspx

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.: 9K-9.001, 9K-9.002, 9K-9.003, 9K-9.004, 9K-9.005, 9K-9.006, 9K-9.007, 9K-9.008, 9K-9.009, 9K-9.010, 9K-9.011, 9K-9.012
RULE TITLES: Purpose, Definitions, General Requirements and Eligibility Standards, Submission of Application and Application Materials, Application Review, Project Evaluation Criteria, Ranking and Selection of Applicants, Grant Contracts, Modification to the Project Boundary, Preparation and Acceptance of the Management Plan, Title, Acquisition Procedures, Lease Agreements and Transfer of Title, Annual Stewardship Report Requirement

PURPOSE AND EFFECT: To amend the rules that govern the Stan Mayfield Working Waterfronts Program.

SUBJECT AREA TO BE ADDRESSED: Stan Mayfield Working Waterfronts Program.

SPECIFIC AUTHORITY: 380.507(11), 380.5105(2) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.5105 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, March 25, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Blvd., Kelly Training Room, 3rd Floor, Tallahassee, Florida 32399

Interested parties can also participate telephonically by calling: 1(888)808-959 conference code: 9221711.

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: Pam Kugler, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399; (850)922-1711. 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: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399; (850)922-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL ALSO BE AVAILABLE AT THE WORKSHOPS.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-19.080	Distribution Adjustments to Local Taxing Jurisdictions

PURPOSE AND EFFECT: Section 202.18(3)(c), F.S., requires the Department to make any adjustments to the distribution of proceeds of the local communications services tax that are necessary to reflect the proper amounts due to individual jurisdictions.

The purpose of the creation of Rule 12A-19.080, F.A.C. (Distribution Adjustments Resulting From Misallocation of Tax), is to develop procedures that will be used by the Department for determining when misallocations of

communications services tax have occurred, for notifying the affected jurisdictions of the misallocations, and how distribution adjustments will be made.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adjustments to the distributions of communications services tax required under Section 202.18(3)(c), F.S.

SPECIFIC AUTHORITY: 202.26(3)(a) FS.

LAW IMPLEMENTED: 202.18(3)(c), 202.22(5), 202.231, 202.35(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 1, 2009, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince Aldridge, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4746

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT INTERNET SITE AT myflorida.com/dor/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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-9.030	Purpose of Ambulatory and Emergency Department Patient Data Reporting
59B-9.031	Definitions
59B-9.032	Ambulatory and Emergency Department Data Reporting and Audit Procedures

59B-9.033	Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions	59E-7.024 59E-7.025 59E-7.026	Reporting Instructions Certification, Audits and Resubmission Procedures Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
59B-9.034	Reporting Instructions		
59B-9.035	Certification, Audits, and Resubmission Procedures	59E-7.027	Header Record
59B-9.036	Penalties for Ambulatory Patient Data Reporting and Deficiencies	59E-7.028	Inpatient Data Elements, Codes and Standards
59B-9.037	Header Record	59E-7.029	Public Records
59B-9.038	Ambulatory Data Elements, Codes and Standards	59E-7.030	General Provisions
59B-9.039	Public Records		

PURPOSE AND EFFECT: The new rules align ambulatory data reporting standards with the uniform bill for institutional facilities (UB-04); modify data elements and codes, definition of submission requirements, certification deadlines, clarify enforcement procedures, and other clarifications.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing new Rules 59B-9.30 through 59B-9.39 to replace 59B-9.010 through 59B-9.023 to modify ambulatory patient data reporting requirements to the Agency for Health Care Administration.

SPECIFIC AUTHORITY: 408.15(8), 408.061, 408.08(1), (2), (5) FS.

LAW IMPLEMENTED: 119.07(1)(a), (2)(a), 120.53(2)(a), 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patrick Kennedy, Administrator, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive MS #16, Tallahassee, Florida 32308

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

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

RULE NOS.:	RULE TITLES:
59E-7.020	Purpose of Inpatient Data Reporting
59E-7.021	Definitions
59E-7.022	Inpatient Data Reporting and Audit Procedures
59E-7.023	Schedule for Submission of Inpatient Data and Extensions

PURPOSE AND EFFECT: The new rules align inpatient data discharge reporting standards with the uniform bill for institutional facilities (UB-04); modify data elements and codes, definition of submission requirements, certification deadlines, clarify enforcement procedures, inclusion of rehabilitation patient data, and other clarifications.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing new Rules 59E-7.020 through 59E-7.030 to replace 59E-7.011 through 59E-7.016 and 59E-7.201 through 59E-7.208 to modify inpatient patient discharge data reporting requirements to the Agency for Health Care Administration.

SPECIFIC AUTHORITY: 408.15(8), 408.061(1)(e), 408.061(2), 408.08(1)(e), 408.08(2), 408.08(5) FS.

LAW IMPLEMENTED: 119.07(1)(a), (2)(a), 120.53(2)(a), 408.061, 408.062, 408.063, 408.08, 408.15, 408.05, 408.07 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patrick Kennedy, Administrator, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-15.003	Advertising
PURPOSE AND EFFECT: The Board proposes to amend the rule to reorganize existing advertising rules.	
SUBJECT AREA TO BE ADDRESSED: Advertising.	
SPECIFIC AUTHORITY: 481.306 FS.	
LAW IMPLEMENTED: 481.321 FS.	

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.:	RULE TITLES:
61G10-18.002	Board Approval of Continuing Education Providers
61G10-18.003	Obligations of Continuing Education Providers
61G10-18.006	Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the rules for consideration of additional language regarding distanced learning.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers; Obligations of Continuing Education Providers; Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.219, 455.2124, 455.2179, 481.306, 481.313, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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 NOS.:	RULE TITLES:
62-532.200	Definitions for Water Well Permitting and Construction
62-532.400	Permit for Water Well Construction or Repair
62-532.410	Water Well Completion Report
62-532.440	Abandonment of Water Wells
62-532.500	Water Well Construction Standards
62-532.900	Forms and Instructions

PURPOSE AND EFFECT: To make Chapter 62-532, F.A.C., consistent with recent amendments to Chapters 64E-8 and 62-555, F.A.C., address technical changes to industry practices and update references to NSF International Standards.

SUBJECT AREA TO BE ADDRESSED: Definitions, add the term "coupling(s)" to the well construction requirements, update the reference to Section 6 of the NSF International Standard, require proper maintenance of a water well worksite during the construction, repair, or abandonment of a water well, combine the rule for permitting well construction and repair and the rule for permitting well abandonment into one rule, technical changes for the construction of specific types of driven wells, water well grouting requirements, adoption of permit and well completion report forms, and update water well setback distances.

SPECIFIC AUTHORITY: 373.309 FS.

LAW IMPLEMENTED: 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 381.0062 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 24, 2009, 10:00 a.m.

PLACE: Room 609, Bob Martinez Building, 2006 Blair Stone Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David James, at (850)245-8648 or David.James@dep.state.fl.us. 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: David James, at (850)245-8648 or David.James@dep.state.fl.us, or http://www.dep.state.fl.us/water/groundwater/wp_rule.htm THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 64B-1.001 Application Deadlines; Examination Rescheduling, 64B-1.002 Notification of Applicants, 64B-1.003 Examination Administration, 64B-1.004 Conduct at Test Site, 64B-1.005 Special Testing Accommodations, 64B-1.006 Practical Examinations, 64B-1.007 Selection Criteria for Examiners and Examination Consultants, 64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading, 64B-1.009 Pre-hearing Review Request, 64B-1.011 Requirements and Standards of a National Examination, 64B-1.012 Guidelines for Sharing Department-Developed Examinations with Other State Licensing Authorities, 64B-1.013 Post-Examination Review, 64B-1.016 Fees: Examination and Post-Examination Review, 64B-1.017 Use of Pilot Test Items

PURPOSE AND EFFECT: The Department proposes to review this rule section for the possibility of clarifying certain provisions, to reorganize certain provisions in a more logical manner, promulgate new definitions of terms and delete definitions of terms. This process will include, but not be limited to, reviewing this section for rule promulgations related to changes to the Americans With Disabilities Act of 1990 (Pub. L. 101-336) as adopted in the "A.D.A. Amendments Act of 2008" adopted by the U.S. Congress. The Department also wants to update exam fees to cover actual costs.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development will be the update of the Department's Examination Chapter 64B-1, Florida Administrative Code in compliance with Section 456.017, Florida Statutes.

SPECIFIC AUTHORITY: 456.004(5), 456.004(10) 456.013(1), 456.014, 456.017(1), 456.017(2), 456.017(6), 456.017(7) FS.

LAW IMPLEMENTED: 456.013(1), 456.017(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, FL 32399-3290

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

DEPARTMENT OF HEALTH

Board of Dentistry

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 64B5-2.013 Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to include "Class III Composite" to the Practical or Clinical Examination.

SUBJECT AREA TO BE ADDRESSED: Dental examination requirements and grading.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.013 Dental Examination Requirements and Grading.

(1) through (2) No change.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) through (c) No change.

(d) The Practical or Clinical Examination shall include the following parts and procedures and be graded on criteria as described below each examination part or procedure. Listed criteria are to be accorded equal importance in grading. Equal importance does not mean that each criterion has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed part or

procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the part or procedure.

1. Class II Amalgam and Class III Composite on Patients. This part of the Practical or Clinical Examination shall consist of a preparation procedure and a restoration procedure. The following areas will be assessed in determining a grade for each procedure:

- a. through 4. No change.
- (e) through (j) No change.
- (4) No change.

Specific Authority 456.017(1)(b), 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08,

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.0021
 RULE TITLE: Discipline of Electrolysis Facilities
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Discipline of Electrolysis Facilities.

SPECIFIC AUTHORITY: 456.037, 478.43(1) FS.
 LAW IMPLEMENTED: 456.072(2)(c), (d), 456.037, 478.52(1)(k), (2)(b), (c), (f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.302
 RULE TITLE: Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credit hours.

SUBJECT AREA TO BE ADDRESSED: Subject Matter for Consultant Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005, 456.0125 FS.

LAW IMPLEMENTED: 456.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.302 Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education.

A Consultant Pharmacist License Renewal Continuing Education Program must contain ~~consist of~~ at least three (3) twelve (12) self-contained hours of training in any of the subjects specified below ~~with a block of at least three (3) hours in any subject category.~~ Duplicated courses are not acceptable.

- (1) through (3) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 10-14-91, Formerly 21S-26.302, 61F10-26.302, 59X-26.302, Amended 5-5-05, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.350
 RULE TITLE: Requirements for Pharmacy Technician Registration

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the requirements for pharmacy technician registration.

SUBJECT AREA TO BE ADDRESSED: Requirements for Pharmacy Technician Registration.

SPECIFIC AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.351
RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the standards for approval of registered pharmacy technician training programs.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Registered Pharmacy Technician Training Programs.

SPECIFIC AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.352
RULE TITLE: Standards for Approval of Registered Pharmacy Technician Continuing Education Programs

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the standards for approval of registered pharmacy technician continuing education programs.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Registered Pharmacy Technician Continuing Education Programs.

SPECIFIC AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1001
RULE TITLE: Examination and Application Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination and Application Fees.

SPECIFIC AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1002
RULE TITLE: Initial License Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Initial License Fees.

SPECIFIC AUTHORITY: 465.005, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.013(2), 456.065(3), 465.0125, 465.0126 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003 RULE TITLE: Active License Renewal Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Active License Renewal Fees.

SPECIFIC AUTHORITY: 456.036, 465.005, 465.008, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.008, 465.0125, 465.0126 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1004 RULE TITLE: Inactive License Election; Renewal; Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Initial License Election; Renewal; Fees.

SPECIFIC AUTHORITY: 456.036, 465.005, 465.012, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1005 RULE TITLE: Retired License Election; Renewal; Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Retired License Election; Renewal; Fees.

SPECIFIC AUTHORITY: 456.036(15) FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.6012 RULE TITLE: Guidelines for Board Ordered Disciplinary Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide guidelines for Board ordered disciplinary continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Guidelines for Board Ordered Disciplinary Continuing Education Courses.

SPECIFIC AUTHORITY: 465.005, 465.016(4), 456.072(2) FS.

LAW IMPLEMENTED: 456.016(4), 456.072(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.6012 Guidelines for Board Ordered Disciplinary Continuing Education Courses.

Any continuing education course being taken as part of a disciplinary order, unless otherwise ordered by the Board, may be conducted by any method, including live, correspondence, or distant education.

(1) Laws and Rules courses shall be at least twelve (12) hours in length. The program shall include review and analysis of the laws regulating the profession of pharmacy in the State of Florida with discussion of recent changes to Florida statutes and Board of Pharmacy rules. The remainder of the continuing education program shall be derived from the following areas:

(a) Federal laws related to:

1. Handling, management, and dispensing of controlled substances;

2. Protected patient information; and

3. Medicare.

(b) Chapters 456, 499 and 893, Florida Statutes;

(c) Florida Medicaid program;

(d) Nursing home and Assisted Living Facility regulations;

(e) Prescriber laws and regulations;

(f) Pharmacist ethics;

(g) The Joint Commission (TJC) standards;

(h) Food and Drug Administration policies and procedures;

(i) Implementation of disaster and emergency preparedness plans by Florida pharmacists and pharmacy services providers;

(j) Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH) guidelines and requirements for pharmacy employers.

(2) Quality Related Event (QRE) courses shall be at least eight (8) hours in length.

(a) Course material shall include:

1. Pharmacy error detection;

2. Pharmacy error prevention; and

3. Case studies of pharmacists who have made dosing calculation, checking/interpreting prescriptions, or dispensing errors.

(b) Course material shall include the following specific subject areas:

1. Common error types and causes;

2. Root cause analysis;

3. Process mapping and management;

4. System analysis;

5. Failure mode and effects analysis;

6. Human factors, cognitive and personality impacts;

7. Practice management and effective delegation tools;

8. Stress management;

9. Effective communication;

10. Continuous Quality Improvement (CQI) rules;

11. CQI implementation tools;

12. Individual self assessment, planning, and goal setting.

The individual self assessment shall include a requirement that the pharmacist prepare a written report, in essay form, summarizing the impact of the course, what the pharmacist learned, and the changes that the pharmacist will implement in practice as a result of the course.

Specific Authority 465.005, 465.016(4), 456.072(2) FS. Law Implemented 465.016(4), 456.072(2) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:

RULE TITLE:

64B16-28.301

Destruction of Controlled Substances – Institutional Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for witnessing destruction of controlled substances.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances – Institutional Pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.022, 465.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.301 Destruction of Controlled Substances – ~~Class I Institutional Pharmacies – Nursing Homes.~~

(1) No change.

(2) A document must be completed showing the name and quantity of the drug, strength and dosage form, patient’s name, prescription number and name of the ~~institution nursing home.~~ This documentation, at the time of destruction, shall be witnessed and signed by the consultant pharmacist, director of nursing, and the ~~nursing home~~ administrator or his designee, which may include a licensed physician, pharmacist, mid-level practitioner, or nurse excluding the above.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.019 FS. History–New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.002	Definitions
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.005	Location and Installation
64E-6.006	Site Evaluation Criteria
64E-6.008	System Size Determinations
64E-6.009	Alternative Systems
64E-6.010	Septage and Food Establishment Sludge
64E-6.015	Permitting and Construction of Repairs
64E-6.017	Definitions
64E-6.018	System Location, Design and Maintenance Criteria
64E-6.0181	Cesspit and Undocumented System Replacement and Interim System Use
64E-6.0182	Coordinated Permitting
64E-6.025	Definitions
64E-6.026	Applications for Innovative System Permits and System Construction Permits
64E-6.027	Permits
64E-6.028	Location and Installation
64E-6.029	Monitoring
64E-6.030	Fees

PURPOSE AND EFFECT: Develop rules regarding onsite sewage treatment and disposal systems in the Wekiva Study Area as defined in Section 369.316, F.S.

SUBJECT AREA TO BE ADDRESSED: Onsite sewage treatment and disposal system standards, design, permitting, construction, modification, repair and maintenance in the Wekiva Study Area.

SPECIFIC AUTHORITY: 369.318(2), 381.0065(3)(a) FS.

LAW IMPLEMENTED: 369.318(2), 381.0065, 381.0067, 386.041 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

THE PRELIMINARY DRAFT LANGUAGE IS AVAILABLE AT www.MyFloridaEH.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose of the rule is to require local jurisdictions to provide notice to any person or entity against which the local jurisdiction intends to issue a citation for a fire code violation, so that the person will know of their right to petition the State Fire Marshal for a Declaratory Statement that applies the Florida Fire Prevention Code to the person’s particular set of circumstances, and the procedure for filing a Petition for Declaratory Statement.

SUBJECT AREA TO BE ADDRESSED: Right to a Declaratory Statement applying the Florida Fire Prevention Code to a substantially affected person’s particular set of circumstances, pursuant to Section 633.01(6), Florida Statutes. SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01(6), 633.0215, 633.025 FS.

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

DATE AND TIME: Friday, March 20, 2009, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Department of Financial Services, 325 John Knox Road Tallahassee, Florida; (850)413-3619. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Belinda Chukes, Bureau of Fire Prevention, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida; (850)413-3619

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.007 Enforcement of the Florida Fire Prevention Code.

(1) through (5) No change.

(6) The Florida Fire Prevention Code is adopted by the State Fire Marshal in accordance with Section 633.025, Florida Statutes. Pursuant to Section 633.025(2), F.S., the Florida Fire Prevention Code is enforced by local government.

(a) Following the completion of each fire safety inspection in which a violation or violations of the Florida Fire Prevention Code has been cited, the local citing authority must provide a notice which includes all of the following language: "If you do not agree that the violation cited in this Notice is applicable to your particular set of circumstances, you have the right of one or more of the following review procedures.

- You may request a non-binding advisory opinion in accordance with Section 633.026, F.S.;
- You may file a local appeal of this order in accordance with Section 633.025(6), F.S., or
- You may file a Petition for Declaratory Statement to be issued by the State Fire Marshal in accordance with Section 633.01(6), F.S. Prior to exercising this option, you must meet the requirements of a substantially affected party as defined in paragraph 69A-60.007(5)(a), F.S., of this rule."

(b) The above notice is not required to be in any particular form, however, it must be in a legible format of a minimum 12 point type.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01(6), 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.007, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-186.003	Title Insurance Rates
69O-186.005	Premium Schedule Applicable to "Truth in Lending" and Other Endorsements

PURPOSE AND EFFECT: The purpose of the workshop is to gather data from title insurers and the public to determine whether it is appropriate to set a rate specifically for junior loan

title insurance, and, if so, determine what that rate would be. Title insurers and members of the public are invited to come and present information in this regard.

SUBJECT AREA TO BE ADDRESSED: Title insurance; Junior Loan Title Insurance.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.777, 627.782, 627.793 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.783, 627.7831, 627.7841, 627.7845, 697.041(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 1, 2009, 1:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Peter Rice at (850)413-5249 or by email at peter.rice@flor.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: Peter Rice at (850)413-5249 or by email at peter.rice@flor.com.

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-189.003	Workers' Compensation: Application and Audit Procedures

PURPOSE AND EFFECT: Allows but does not require electronic signatures in the application for workers compensation coverage. Makes explicit those audit procedures that under the old rule were incorporated by reference to NCCI publications. Adds additional audit procedures.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Insurance, Application and Audit Procedures.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 440.381 FS.

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

DATE AND TIME: March 31, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Theresa Eaton, Office of Insurance Regulation, E-mail: Theresa.eaton@flor.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 IS: Theresa Eaton, Office of Insurance Regulation, E-mail Theresa.eaton@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, F.S., shall use Form ACORD 130-FL (rev. 7/02), "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form electronically to the Florida Office of Insurance Regulation (Office) at <https://iportal.fldfs.com>, and receive approval prior to its use.

1. At a minimum the form shall require the employer to provide the following information:

- a. Name, address, and legal status of the employer;
- b. Federal employer identification number;
- c. Type of business and contractor licensing number if the employer is a contractor;
- d. Rating information including past and prospective payroll;
- e. Estimated revenue;
- f. Locations;
- g. List of officers, sole proprietors and partners including their social security numbers (disclosure of social security number is voluntary; as an alternative, attach a copy of exclusion or inclusion forms filed with the state);
- h. List of all employee names, employees' social security numbers and classifications (disclosure of social security numbers is voluntary; as an alternative, the latest UCT-6 form with class codes added can be used in lieu of a separate listing of employee names, employees' social security numbers and classifications);
- i. Previous workers' compensation experience;
- j. Former business names and predecessor companies for the last five years;

k. Former and current owners in the last five years;

l. All names under which the corporation operates; and

m. Any other information necessary to enable the carrier to accurately underwrite the employer.

2. The application shall contain a statement that the filing of an application containing false, misleading, or incomplete information with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree.

3. The application shall contain a sworn statement by the employer attesting to the accuracy of the information submitted.

4. The application shall contain a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for premium calculations.

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) shall use ACORD Form 130-FL (rev. 7/02) unless the FWCJUA files and receives approval by the Office of Insurance Regulation to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall submit any addendum to the application to the Office and receive approval prior to using. The completed application and all addenda shall be submitted to the FWCJUA at the address on the form.

(d) The forms adopted in this subsection (1) may be obtained from: ACORD, Number 1 Blue Hill Plaza, 15th Floor, Post Office Box 1529, Pearl River, New York 10965-8529.

(2)(a) An application complying with this rule is required for all policies having covered Florida exposure. For new business effective after the implementation of this rule, a carrier shall use an application which complies with this rule. When this new business policy is renewed, the carrier is not required to obtain another application. These requirements also apply to policies written in other states where there is covered Florida exposure other than incidental Florida exposure.

(b) The applicant's signature on the applicant form shall be notarized. The carrier is authorized to require the producer's signature to be notarized.

(c) It is permissible but not mandatory that insurers accept electronic signatures in satisfaction of the application signature requirements. For purposes of this section, "electronic signature(s)" shall mean an electronic identifier, including a digital signature which is:

1. Unique to the person using it;
2. Capable of verification;
3. Under the sole control of the person using it;

4. Attached to or associated with data contained within the application document in such a manner that authenticates the attachment of the signature to particular data and integrity of the data transmitted;

5. Intended by the party using it to have the same force and effect as the use of a signature affixed by hand; and

6. Compliant with all applicable state and federal laws governing electronic signatures.

(d) It is permissible but not mandatory that insurers accept electronic notarizations in satisfaction of the application notarization requirements. For purposes of this section, a notary public shall use an electronic signature that is:

1. Unique to the notary public;
2. Capable of independent verification;
3. Retained under the notary public's sole control;

4. Attached to or logically associated with the application document in a manner that any subsequent alteration to the application document displays evidence of the alteration; and

5. Compliant with all applicable state and federal laws governing electronic notarization.

(3) Each employer in the voluntary market or the FWCJUA may be required by their carrier to submit Form ACORD 175-FL (rev. 3/97), "Florida Workers' Compensation Monthly Change Sheet," which is hereby adopted and incorporated by reference. Carriers may use their own monthly change sheet containing the same information shown on the adopted form. This form is used to reflect any change in the required application. The monthly change sheet is applicable to new and renewal policies which have been issued with an application that complies with this rule. It is not necessary for an employer to submit a monthly change sheet if there are no changes to report.

(4)(a)†. In order to ensure that the appropriate premium is charged for workers' compensation coverage, each employer and carrier shall comply with:

1.a. The requirements of Section 440.381, F.S.; and

2.b. As applicable, the voluntary market minimum audit requirements and FWCJUA minimum audit requirements as set forth in paragraphs (4)(b) and (4)(c) below. ~~"Florida State Special Audit Rules", (rev. 7/02) and "Part Three — Service Providers D. Performance Standards for Service Providers" (rev. 7/02) which are hereby adopted and incorporated by reference.~~

~~2.a. Copies of the "Florida State Special Audit Rules" (rev. 7/02) are contained in the workers' compensation manual issued by the National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, FL 33487.~~

~~b. Copies of Part Three — Service Providers D. Performance Standards for Service Providers" (rev. 7/02) are contained in the operations manual of the Florida Workers' Compensation Joint Underwriting Association, Inc., P. O. Box 48957, Sarasota, FL 34230-5937.~~

(b) Each voluntary market carrier and each employer covered by a voluntary market carrier shall comply with the following minimum audit requirements:

1. Final audits shall be conducted for both new and renewal policies as follows:

a. For policies with an estimated annual premium of \$10,000 and over, a final physical audit shall be completed annually on all risks regardless of governing classification code;

b. For policies with an estimated annual premium of \$9,999 to \$1, a final mail or physical audit shall be completed annually on all risks regardless of governing classification;

c. For all new business policies having construction classifications, regardless of premium range a final physical audit shall be completed annually;

d. For all renewal business policies having construction classifications, a final physical audit shall be conducted annually if the estimated annual premium is \$5,000 and over; and

e. Per capita policies shall have a final mail or physical audit not less than biennially.

2. Physical audits will be made whenever requested by the employer with reasonable grounds.

3. Mail audit reports by the employer are permitted only where a physical audit is not required.

4. Records examined during the physical audit shall include, but not be limited to, the use of the following as applicable:

a. Unemployment Compensation Tax (UCT) forms;

b. Federal reports of employee income;

c. Payroll records;

d. Cash disbursement journals;

e. Other acceptable accounting records;

f. Certificates of insurance covering subcontractors; and

g. Independent contractor documents.

5. Each voluntary market carrier or the National Council on Compensation Insurance shall conduct audits to ensure the accurate classification assignments for duties of employees.

(c) The FWCJUA or its service provider and each employer covered by the FWCJUA shall comply with the following minimum audit requirements:

1. Final physical audits shall be conducted as follows:

a. For all policies producing an estimated annual premium of \$4,000 and over regardless of classification code;

b. For all policies producing an estimated annual premium of \$3,999 to \$3,000, at least once every three years;

c. For all policies with a classification code of 2702, 2710, 5022, 5403, 5437, 5445, 5474, 5551, 5606, 5645, 6217, 7219, 8829, 8835, 8861 and 9110, regardless of premium range;

d. For all policies for employers engaged in leasing employees to others or in providing temporary help to others, regardless of premium range;

e. For all new business policies having construction classification codes, regardless of premium range;

f. For all policies with a loss ratio of 120% or greater the first year the employer qualifies and thereafter, subject to the FWCJUA's or its service provider's underwriting judgement, regardless of premium range;

g. Whenever requested by the employer on reasonable grounds; and

h. Whenever otherwise warranted in the FWCJUA's or its service provider's judgement by the type of business, or by questions concerning the amount of exposure, the accuracy of classifications, or the reliability of previous mail or physical audits.

2. Mail audit reports by the employer are permitted only where a physical audit is not required.

3. Records examined during the physical audit shall include, but not be limited to, the use of the following as applicable:

a. Unemployment Compensation Tax (UCT) forms;

b. Federal reports of employee income;

c. Payroll records;

d. Cash disbursement journals;

e. Other acceptable accounting records;

f. Certificates of insurance covering subcontractors; and

g. Independent contractor documents.

4. The FWCJUA, its service provider or the National Council on Compensation Insurance shall conduct audits to ensure the accurate classification assignment for duties of employees.

~~(d)(b)~~1. In addition, each employer shall submit a copy of the quarterly earning report required by Chapter 443, F.S., to the carrier at the end of each quarter.

2. Each carrier shall develop its own procedures for terminating coverage when the quarterly earning report forms are not received. However, such forms shall be considered timely if received within 45 days of the end of the quarter reported.

~~(e)(e)~~ The carrier shall retain new or renewal applications, monthly change sheets, and the quarterly earning reports for a minimum of three years from the date the applications, sheets, or reports were received.

~~(f)(d)~~ Telephone audits are not permitted in lieu of mail or physical audits.

~~(g)(e)~~ An initial application is required only at the inception of a ~~three year fixed rate~~ policy or at renewal, if the inception date was prior to the effective date of this rule. Audit procedures are required at the expiration of each policy.

~~(h)(f)~~ Signatures.

1.a. A carrier, in order to comply with the signature requirements as provided in Section 440.381(3), F.S., shall use, as applicable:

(I) Form OIR-B1-1562 (rev. 7/03), "Partner's, Sole Proprietor's or Corporate Officer's Statement";

(II) Form OIR-B1-1561 (rev. 7/03), "Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)"; and

(III) Form OIR-B1-1560 (rev. 7/03), "Auditor's Statement".

b. The forms in this subsection (4) are hereby adopted and incorporated by reference and may be obtained from the Office's web site at www.floridfd.com/pcfr/forms_list.aspx.

c. These forms shall be signed by the appropriate party and submitted to the carrier at the completion of an audit.

2.a. A carrier wishing to use its own signature forms shall submit the forms electronically to Property and Casualty Product Review at <https://iportal.flfd.com>, and receive approval prior to use.

b. At a minimum the forms shall contain all text as it appears on:

(I) Form OIR-B1-1562 (rev. 7/03), "Partner's, Sole Proprietor's or Corporate Officer's Statement";

(II) Form OIR-B1-1561 (rev. 7/03), "Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)"; and

(III) Form OIR-B1-1560 (rev. 7/03), "Auditor's Statement".

3. It is permissible but not mandatory that insurers accept electronic signatures in ~~Electronic signature(s) shall be accepted in~~ satisfaction of the signature requirements of Section 440.381(3), F.S. For purposes of this section, "electronic signature(s)" shall mean an electronic identifier, including a digital signature, which is:

a. Unique to the person using it;

b. Capable of verification;

c. Under the sole control of the person using it;

d. Attached to or associated with data contained within the audit document in such a manner that authenticates the attachment of the signature to particular data and integrity of the data transmitted;

e. Intended by the party using it to have the same force and effect as the use of a signature affixed by hand; and

f. Compliant with all applicable state and federal laws governing electronic signatures.

Specific Authority 440.381, 624.308(1) FS. Law Implemented 440.105(4)(b)5., 440.381, 624.307, 624.424(1)(c) FS. History—New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00, 11-5-02, 9-22-03, Formerly 4-189.003, Amended 3-29-05,_____.