

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-10.045  
**RULE TITLE:** Tuition and Fees Exemptions for Florida National Guard

**PURPOSE AND EFFECT:** In 2009, the Legislature amended Section 250.10, Florida Statutes, removing the responsibility of the State Board of Education as it relates to the Educational Duty for Dollars (EDD) program, which is designed to provide financial assistance to members of the Florida National Guard. The EDD program remains active but the statute was amended to shift the responsibility for processing financial assistance to eligible students to the Adjutant General. The Adjutant General works directly with the postsecondary institution to ensure the student receives the financial assistance according to the eligibility criteria. This rule is recommended for repeal as the State Board of Education no longer has rulemaking authority.

**SUMMARY:** The rule is to be repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

**RULEMAKING AUTHORITY:** 250.10 FS.

**LAW IMPLEMENTED:** 250.10 FS.

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

**DATE AND TIME:** June 21, 2011, 8:30 a.m.

**PLACE:** Orlando, Florida (Please contact Lynn Abbott, Department of Education, (850)245-9661 or lynn.abbott@fldoe.org for the exact location.)

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Julie Alexander, Florida Department of Education, Division of Florida Colleges, 325 West Gaines St., Tallahassee, FL 32399, julie.alexander@fldoe.org

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

6A-10.045 Tuition and Fees Exemptions for Florida National Guard.

Rulemaking Specific Authority 229.053(1), 240.235 FS. Law Implemented 240.235(8), 240.35(4)(a), 250.10(7) FS. History—New 2-18-93, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Dr. Will Holcombe, Chancellor, Florida College System

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Dr. Eric Smith, Commissioner, Department of Education

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** May 12, 2011

**STATE BOARD OF ADMINISTRATION**

**RULE NOS.:** 19-8.029, 19-8.030  
**RULE TITLES:** Insurer Reporting Requirements, Insurer Responsibilities

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

**SUMMARY:** The rules are being amended to adopt 2011/2012 Contract Year forms. Substantive changes are as follows: Rule 19-8.029, F.A.C., Insurer Reporting Requirements, is being amended to adopt the 2011/2012 Data Call and the 2011/2012 Interim and Proof of Loss forms. Rule 19-8.030, F.A.C., Insurer Responsibilities, is being amended to adopt the 2011/2012 Exposure and Loss Examination Advance Preparation Instructions and to adopt the 2011/2012 Interim and Proof of Loss forms.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A SERC has been prepared by the agency for Rule 19-8.029, F.A.C. and is available by contacting Tracy Allen at the address, telephone number, or e-mail address listed below. A SERC has not been prepared for Rule 19-8.030, F.A.C. The following is a summary of the SERC: No adverse impact on economic growth, private-sector job creating or employment, or private sector investment. No adverse impact on business competitiveness or innovation. Minimal regulatory costs for the 172 participating insurers to make minor one-time programming changes. No increased spending for the Agency anticipated. No costs to other states, local governmental entities, small counties or small cities. No impact on state or local revenues.

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

**RULEMAKING AUTHORITY:** 215.555(3) FS.

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

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

DATE AND TIME: June 20, 2011, 9:00 a.m. (ET) to conclusion of meeting

PLACE: This will be a telephone conference call meeting to which all persons are invited. Persons wishing to participate may dial 1(888)808-6959 and enter conference code 4765251363

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.029 Insurer Reporting Requirements.

(1) through (2) No change.

(2)(a) Citizens Property Insurance Corporation or "Citizens" means the entity formed under Section 627.351(6), F.S., and includes both the High Risk Account and the Personal Lines and Commercial Lines Accounts.

(b) through (d) No change.

(e) Data Call means the annual reporting of insured values forms. These forms are the FHCF-D1A for Contract Years after the 2002/2003 Contract Year year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior Contract Years years.

(f) through (g) No change.

(h) Loss Reporting Forms mean the FHCF-L1A and FHCF-L1B for Contract Years after the 2002/2003 Contract Year and means the FHCF-L1A, FHCF-L1B and FHCF-L1C for the Contract Years 2002/2003 and all prior Contract Years years.

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

(b) Confidentiality of reports containing insured values under Covered Policies. Section 215.557, F.S., enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by participating insurers, protects the confidentiality of information of the type submitted in the Data Call (FHCF-D1A), examination workpapers, and examination reports, ~~or loss reports (FHCF-L1A, FHCF-L1B and S~~ such information is not subject to the provisions of Section 119.07(1), F.S., or Section 24(a), Article I of the Florida State Constitution. Confidential data and trade secrets reported to the FHCF are protected to the extent allowed by law.

(c) through (4)(l) No change.

(m) For the 2011/2012 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2011 Data Call," rev. 01/11, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in

subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) through (6) No change.

(7)(a) For the 2005/2006 and earlier Contract Years the applicable Interim Loss Report is that form that was in effect for the Contract Year as reflected by the revision date on the form. For example, the applicable Interim Loss Report for the Contract Year 2004-2005 is the FHCF-L1A, with the revision date of ~~05/04~~ 05/05.

(b) through (f) No change.

(g) For the 2011/2012 Contract Year, the applicable Interim Loss Report is the "Contract Year 2011 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 01/11, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2011 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 01/11, which is hereby adopted and incorporated by reference into this rule. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

(8) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, \_\_\_\_\_.

19-8.030 Insurer Responsibilities.

(1) through (3)(h) No change.

(i) Data Call means the annual reporting of insured values forms. These forms, as adopted and incorporated into Rule 19-8.029, F.A.C., are the FHCF-D1A for Contract Years after the 2002/2003 Contract Year year and the FHCF-D1A and FHCF-D1B for Contract Year 2002/2003 and all prior Contract Years years.

(3)(j) through (4)(a) No change.

1. For the 2010/2011 and earlier Contract Years, eEach Insurer required to participate in the FHCF must designate a coverage level in the annual Reimbursement Contract, make any required selections therein and execute the Reimbursement Contract and applicable Addenda so that the Contract, including the schedules and applicable Addenda, have been received by June 1 of each Contract Year.

2. For the 2011/2012 and subsequent Contract Years, each Insurer required to participate in the FHCF must designate a coverage level in the annual Reimbursement Contract, make any required selections therein and execute the Reimbursement Contract and applicable Addenda so that the Contract, including the schedules and applicable Addenda, have been received by the March 1 prior to each Contract Year.

(b) through (c) No change.

(d) Optional coverages authorized by law must be chosen by current participants by executing and returning the applicable Addenda to the Reimbursement Contract ~~by June 1~~ of the relevant Contract Year by the date required. New Participants choosing optional coverage must execute and return the applicable Addenda to the Reimbursement Contract for the relevant Contract Year prior to the time in which a covered loss occurs and within 30 days of writing its first covered policy. Any current or New Participant failing to meet these deadlines shall not be eligible for such optional coverage.

(5)(a) through (c) No change.

(d) Resubmissions of Data: With one exception noted below, any Insurer which submits a Data Call, Form FHCF-D1A, with incorrect data, incomplete data, or data in the wrong format and is required to resubmit will be given 30 days from the date on the letter from the FHCF notifying the Insurer of the need to resubmit. An extension of 30 days will be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the Insurer participant. Exception: If the Insurer, at the time it receives notice of the need to resubmit, has already been issued a notice of examinations, the usual 30 day time limitation (measured from the date of the letter giving notice of the need to resubmit) does not apply. In this situation, the time period in which the Insurer must resubmit is measured by counting backwards 30 days from the date that the examinations are scheduled to begin as reflected on the notice of examinations letter. The FHCF needs the information prior to the examinations; thus, no extensions can be granted.

(6)(a) No change.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year must submit a payment of \$1,000 on or before the date indicated on the invoice. Once a New Participant's Data Call, which is filed on or before March 1 of the Contract Year, has been reviewed by the Administrator and the Company's actual Reimbursement Premium has been determined on its actual exposure, an invoice with the amount due, if any, will be sent to the Company by the Administrator. Payment, if any amounts are shown as due on the invoice, is due within 30 days from the date on the invoice. In no event will the Premium be less than the \$1,000.

(c) through (d) No change.

(7) Examination Requirements. A Company is required to prepare and retain an examination file in accordance with the specifications outlined in the Data Call instructions and a detailed claims listing to support losses reported on the Proof of Loss Report. Such records must be retained until the FHCF has completed its examination of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year and commutation for the Contract Year (if

applicable) has been concluded. The records provided for examination must be from the examination file as originally prepared unless a subsequent resubmission was sent to the FHCF. Note that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations by the FHCF.

(a) Advance Examination Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in the applicable Contract Year's, "Exposure Examination Advance Preparation Instructions" or in the applicable Contract Year's "Loss Reimbursement Examination Advance Preparation Instructions". An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the Insurer participant.

1. For Contract Years prior to the 2003/2004 Contract Year, Form FHCF-API as revised for each Contract Year, is the applicable Exposure Examination Advance Preparation Instructions form to use.

2. For the 2004/2005 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Audit – Contract Year 2004 Advance Preparation Instructions," FHCF-API, rev. 5/04. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2004 Advance Preparation Instructions," FHCF-LAP1, ~~rev.~~ 05/06.

3. For the 2005/2006 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2005 Advance Preparation Instructions," FHCF-API, rev. 5/05. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2005 Advance Preparation Instructions," FHCF-LAP1, rev. 05/07.

4. For the 2006/2007 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2006 Advance Preparation Instructions," FHCF-EAP1, rev. 5/06. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year XXXX Advance Preparation Instructions," FHCF-LAP1, ~~rev.~~ new 05/06.

5. through 8. No change.

9. For the 2011/2012 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2011 Advance Preparation Instructions,” FHCF-EAP1, rev. 01/11. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2011 Advance Preparation Instructions,” FHCF-LAP1, rev. 01/11.

10.9. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) On-site Examination Record Requirements: The FHCF-EAP1, “Exposure Examination Advance Preparation Instructions” form and the FHCF-LAP1, “Loss Reimbursement Examination Advance Preparation Instructions” form each contain a list of the information that the Companies must have available, on-site, on the date the exposure or loss examination is to begin. These records must be made available to the FHCF examiner upon request.

(c) through (8)(e) No change.

(f) For the Contract Year 2011-2012, the applicable “Florida Hurricane Catastrophe Fund Interim Loss Report,” is the FHCF-L1A rev. 01/11 and the applicable “Florida Hurricane Catastrophe Fund Proof of Loss Report,” is the FHCF-L1B rev. 01/11. These forms are hereby adopted and incorporated by reference into this rule.

(g) These forms are hereby adopted and incorporated by reference into this rule and may be obtained from the Fund’s Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. Companies must submit a detailed claims listing (in a delimited ASCII format) to support the losses reported in the FHCF-L1B, Proof of Loss Report, at the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the Company for reimbursement under that Covered Event, and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request. Refer to Form FHCF-LAP1 for the required file layout. The Proof of Loss Report and the detailed claims listing are required to be sent to the FHCF Administrator, Paragon Strategic Solutions Inc., at the address listed above. If your Company submits its Proof of Loss Reports electronically through the FHCF’s Online Claims System at [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf), the detailed claims listing may be attached to the Company’s submission.

(9) No change.

(a) Resubmissions of Data: A \$1,000 resubmission fee (for resubmissions that are not the result of an examination by the SBA) will be invoiced by the FHCF for each submission. If a

resubmission is necessary as a result of an examination report issued by the SBA, the resubmission fee will be \$2,000. If a Company’s examination-required resubmission is inadequate and the SBA requires an additional resubmission(s), the resubmission fee for each subsequent resubmission shall be \$2,000.

(b) No change.

(c) Consequences for Failure to meet the requirements contained in the FHCF-EAP1, “Exposure Examination Advance Preparation Instructions,” the FHCF-LAP1, “Loss Reimbursement Examination Advance Preparation Instructions,” or the on-site examination record requirements in a timely manner: In addition to other penalties or consequences, the FHCF has the authority, pursuant to Section 215.555(4)(f), F.S., to require that the Insurer pay for the following services under the circumstances outlined below:

1. If an examination is delayed, cannot be conducted as scheduled or cannot be completed and the Insurer is responsible for such, the Insurer shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation or incompleteness.

2. If the FHCF finds any Insurer’s records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Insurer being examined.

3. An Insurer required to reimburse the FHCF for costs as outlined in subparagraphs 1. and 2. immediately above, will owe interest on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Insurer is received. The applicable interest rate will be the average rate earned by the SBA for the FHCF for the first four five months of the current Contract Year plus 5%. Also, the payment of reimbursements or refunds by the FHCF to any Insurer will be offset by any amounts owed by that Insurer to the FHCF.

(10) No change.

(11) Optional Coverage Programs: Except as provided in this subsection, this rule applies to the Additional Coverage Option created in Section 215.555(4)(b)4., F.S., and the Temporary Emergency Additional Coverage Option (“TEACO”) created in Section 215.555(16), F.S., and the Temporary Increase in Coverage Limit Options option created in Section 215.555(17), F.S. (“TICL”). The definition of Premium in paragraph (3)(m), above, does not apply to Section 215.555(4)(b)4., F.S., Additional Coverage Option. With respect to this Option, the word “Premium” when used in this rule shall refer to the amount payable under Section 215.555(4)(b)4., F.S., for this optional coverage. The definition of Premium in paragraph (3)(m), above, does not apply to TEACO. With respect to this Option, the word “Premium” when used in this rule shall refer to the amount payable under Section 215.555(16)(f), F.S., for this optional coverage.

(12) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07, 6-8-08, 3-30-09, 3-29-10, 8-8-10,\_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CORRECTIONS**

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC2-354 to add a space to indicate whether an alcohol statement will be provided at the requested event and Form DC2-356 to provide a space to indicate the date and number of the check.

SUMMARY: The proposed rule amends Form DC2-354, Employee Benefit Trust Fund Expenditure Request, to add a space to indicate whether an alcohol statement will be provided at the requested event and Form DC2-356, EBTF Expenditure Check Request, to provide a space to indicate the date and number of the check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.601 Employee Benefit Trust Fund.

(1) through (8) No change.

(9) Institutions requesting to withdraw money from the fund shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-354 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ April 13, 2008.

(10) The central office team shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the DC2-354 is approved, vendor payments may be requested by e-mail using the Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ April 13, 2008.

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

Rulemaking Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History--New 4-13-08, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Prudom, Chief Financial Officer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.713 RULE TITLE: Inmate Visiting – Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to add a definition of “major rule violation” and add a definition of “indefinite suspension” to replace the definition of “revocation.”

SUMMARY: A definition of “major rule violation” for the purpose of visitation suspension is added, and the definition of “revocation” is replaced with a definition of “indefinite suspension.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.713 Inmate Visiting – Definitions.

(1) No change.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Department’s electronic offender database Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to ~~the Request for Visiting Privileges~~, Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(4) No change.

(5) “~~Immediate~~ Family” for the purposes of Rules 33-601.713 through 33-601.737, F.A.C. refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, aunts, uncles, nieces, nephews, foster parents, step-children, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(6) through (7) No change.

(8) “Suspension” refers to the withdrawal or voiding suspension of visiting privileges for a specified period of time for an inmate or visitor.

(9) through (12) No change.

(13) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., who ~~that~~ shall be prohibited or restricted from ~~prohibit or restrict~~ visiting based upon the status.

(14) No change.

(15) “Indefinite Suspension” “~~Revoked~~” refers to the withdrawal ~~withdrawing~~ or voiding of visiting privileges of a visitor for an unspecified period of time.

(16) No change.

(17) “Major Rule Violation” for the purpose of Rules 33-601.713 through 33-601.737, F.A.C., refers to any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.

(18) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

(a) Intentionally masturbates;

(b) Intentionally exposes the genitals without authorization; or

(c) Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.724                      RULE TITLE: Visitor Attire

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to specify that only religious head coverings are permissible.

SUMMARY: The proposed rule is amended to specify that only religious head coverings are permissible.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely

increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.724 Visitor Attire.

(1) Persons desiring to visit shall be fully clothed including shoes. ~~Only small hats such as baseball caps, religious head coverings, or surgical caps~~ are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

(a) through (j) No change.

(2) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of the provisions of this rule subsections 33-601.724(1), F.A.C.

~~Rulemaking Specific~~ Authority 944.09, ~~944.23~~ FS. Law Implemented 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 1-28-07, 10-8-07, \_\_\_\_\_.

Editorial Note: Formerly 33-601.708, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.725      RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove tobacco and tobacco-related products from the list of permissible items and to add a photo identification card and a notarized authorization to the list.

SUMMARY: The proposed rule eliminates reference to tobacco and tobacco products as permissible items for visitors and clarifies that visitors may possess one photo identification card and a notarized authorization to supervise a minor (where applicable).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

~~(a) One unopened pack of cigarettes or cigars and one lighter (bic type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.~~

~~(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.~~

(c) through (d) renumbered (a) through (b) No change.

(c) One (1) photographic identification card.

(d)(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be

allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) renumbered (e) through (f) No change.

(g) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C., one (1) copy of a notarized authorization to supervise a minor.

(h) through (2) No change.

~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
33-601.800                   Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the definition of “major rule violation” and to clarify the procedure for release of certain inmates from close management status.

SUMMARY: The proposed rule updates the definition of “major rule violation” to include possession and trafficking of cell phones, unauthorized drugs, and other contraband that poses a threat to the safety and security of an institution. The proposed rule also eliminates the requirement that inmates who have committed assault or battery on staff obtain approval from the Secretary or other high level official prior to being released from close management status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1) Definitions.

(a) through (l) No change.

(m) Major Rule Violation – any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession or trafficking of weapons, ammunition, explosives, cell phones, unauthorized drugs, or escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.

(n) through (r) No change.

(2) Levels of Close Management.

(a) Close Management I (CMI).

1. No change.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. through b. No change.

c. Any physical assault on staff causing injury or that could have caused injury; shall result in a mandatory referral for review for placement in CMI status. If convicted, regardless of whether adjudication is withheld, of any assault or battery that constitutes a felony, the CM release provisions specified in paragraph (16)(g) shall be effective.

d. through (15) No change.

(16) Review of Close Management.

(a) through (f) No change.

~~(g) Before an inmate is released from CM, written authorization must be obtained by the SCO from the Secretary, Deputy Secretary, Assistant Secretary of Institutions, or Deputy Assistant Secretary of Institutions, if any of the following apply;~~

~~1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member;~~

~~2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member; or~~

~~3. The inmate is confined under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member in the state from which he transferred.~~

(17) through (19) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 3-9-11,\_\_\_\_\_.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2011

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-9.290	Other Uses; Use of Alcoholic Beverages on District Lands Prohibited
40D-9.320	Conflicting Rules

PURPOSE AND EFFECT: The proposed rule amendment to Rule 40D-9.290, F.A.C. will allow for the sale and consumption of alcoholic beverages on Southwest Florida Water Management District (District) lands that are cooperatively managed by other agencies or local governments when certain specified conditions are met. The proposed amendments to Rule 40D-9.320, F.A.C. will clarify that the District's land use rules apply on cooperatively managed District land unless specifically addressed in the cooperative land management agreement between the District and the managing agency or local government.

SUMMARY: Currently, Rule 40D-9.290, F.A.C. prohibits use of alcoholic beverages on District lands under all circumstances. The proposed rule allows for sale and use of alcoholic beverages on District lands when the land is cooperatively managed by another agency or local government and that agency or local government has adopted an ordinance or rule that allows for the use and sale of alcoholic beverages in parks or facilities owned and managed by that agency or local government and makes a request to the District in writing. The District will deny requests for the use and sale of alcoholic beverages if the requesting agency or local government's rule or ordinance does not require \$1,000,000 liquor liability insurance and the agency or local government does not agree to

indemnify the District and hold the District harmless of any claims of liability from events authorized by the agency or local government at which alcoholic beverages are sold or used on District land.

Rule 40D-9.320, F.A.C., clarifies that District Land Use Rules shall apply if there is a conflict with rules of an agency or local government that is in a cooperative land management agreement with the District, unless the agreement addresses a specific land use, then the terms of the agreement apply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.1391, 373.59 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, (4156) (OGC #2011003)

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-9.290 Other Uses; Use of Alcoholic Beverages on District Lands Prohibited.

(1) Any recreational use of District Lands not authorized by this chapter is prohibited.

(2) The use of alcoholic beverages on District Land is prohibited.

(a) The sale and use of alcoholic beverages may be allowed on District Land that is cooperatively managed by another agency or local government when that agency or local government has adopted a rule or ordinance that allows the sale and use of alcoholic beverages in parks or facilities owned or managed by the agency or local government and makes such a request in writing.

(b) The rule or ordinance must, at a minimum, require \$1,000,000 liquor liability insurance, and the agency or local government must agree in writing to indemnify and hold the District harmless from any claims of liability resulting from events authorized by the agency or local government pursuant to its rule or ordinance at which alcoholic beverages are sold or used on District Land.

(c) If the conditions of paragraphs (a) and (b) are not met, the District shall deny a request by an agency or local government to allow the use of alcoholic beverages on District Land.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04, Amended \_\_\_\_\_.

40D-9.320 Conflicting Rules.

If an agency or local government has entered into a cooperative land management agreement with the District regarding specific District Lands, the District's Land Use Rules of that agency shall apply if in conflict with the rules of the agency or local government unless the cooperative land management agreement addresses a specific land use, then the terms of the cooperative land management agreement shall apply these rules. ~~If the cooperative management agreement or management plan does not address a specific recreational use, or if the agency does not have rules addressing a specific recreational use, then the District's rules shall apply.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Will Miller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.003  
RULE TITLE: Requirements for Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to eliminate the requirement that a licensee sign his/her financial statement in the presence of a notary.

SUMMARY: The requirement for a licensee to sign his/her financial statement in the presence of a notary will be deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1

million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

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

RULEMAKING AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511, 489.511(2), 489.521 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.003 Requirements for Certification.

(1) No change.

(2) Every applicant must submit:

(a) A comprehensive financial statement reflecting the financial condition of the individual applicant during the previous fiscal year; provided, however, that the statement must have been prepared within 12 months of the date of filing of the application. The financial statement shall include a balance sheet. ~~Unless prepared by a certified public accountant, the financial statement shall be signed in the presence of a notary by the individual applicant.~~

(b) No change.

(3) through (4) No change.

Rulemaking Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History--New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03, 12-6-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.004  
RULE TITLE: Requirement for Business Organizations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to eliminate irrevocable letter of credit option.

SUMMARY: The irrevocable letter of credit option will be eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

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

RULEMAKING AUTHORITY: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.515(1), 489.521, 489.522 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.004 Requirement for Business Organizations.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant proposing to engage in contracting as a partnership, corporation, business trust, or other legal entity other than a sole proprietorship, an applicant shall be required to forward the following to the Department for review by the Board:

~~(1) A statement signed and sealed by an officer of a surety company licensed to do business in Florida, certifying that the company would issue a performance or payment bond in an amount of at least \$10,000.00 to an applicant for a specialty certification and in an amount of at least \$25,000.00 to an applicant for unlimited electrical or alarm certification at the time of application. However, an applicant may substitute an Unexpired Irrevocable Letter of Credit from a responsible financial institution in an amount of at least \$10,000.00 or \$25,000.00 respectively, in lieu of this requirement.~~

(2) through (5) renumbered (1) through (4) No change.

Rulemaking Specific Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522 FS. History—New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, 4-12-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-9.006  
RULE TITLE: Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to eliminate the need to contact the board office at least seven days prior to receive CE credit for attending a board meeting.

SUMMARY: The requirement of contacting the board office prior to attending a board meeting in order to receive CE credit will be eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

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

RULEMAKING AUTHORITY: 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.517(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.006 Approval of Continuing Education Courses.

(1)(a) Any registered course provider may submit an application, on a form provided by the Department, for approval of a continuing education course ~~ECLB Continuing Education Course Approval Application, Form No. BRP/ECLB/CONT.ED.COURSE.APP/REV/4/2001 adopted and incorporated herein by reference~~. Copies of which may be obtained from the Board office shall be provided upon request to the Board.

(b) No change.

(2) through (10) No change.

(11) Of the required 14 continuing education hours, a licensee may earn three business hours credit by attending, for at least three hours, a meeting of the Board wherein disciplinary cases are considered. Licensees must attend the complete agenda of disciplinary cases to receive the continuing education hours. ~~At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Board, and~~ The licensee must check in with the Clerk of the Board prior to the beginning of disciplinary proceedings. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action. A licensee may receive continuing education credit for attending the Board meeting only if he or she is attending on that date solely for continuing education credit; he or she may not receive continuing education credit if appearing at the Board meeting for any other purpose.

(12) through (14) No change.

(15) Board members may receive three (3) hours of general continuing education credit per biennium for participation at Board meetings.

~~Rulemaking Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517(3) FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 10-6-97, 3-24-99, 5-6-99, 11-2-00, 9-4-01, 10-17-05,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-12.001  
RULE TITLE: Requirements for Burglar Alarm System Agent Training Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow provision of on-line course instruction.

SUMMARY: A provision for on-line course instruction will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

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

RULEMAKING AUTHORITY: 489.507(3), 489.518(1)(b), 489.521 FS.

LAW IMPLEMENTED: 489.507(3), 489.518(1)(b), 489.521 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-12.001 Requirements for Burglar Alarm System Agent Training Courses.

(1) No change.

(2) The completed Training Provider and Continuing Education Course Approval Application on a form provided by the Department. ~~course sponsor form, ASASPONS.APP Rev. 2/98, titled Alarm System Agent Sponsor Application, which is hereby incorporated by reference and will be effective 5-11-98, Copies of the form which may be obtained online at: [http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training\\_provider\\_and\\_cc\\_course\\_approval\\_package\\_enterable.pdf](http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training_provider_and_cc_course_approval_package_enterable.pdf), or from the Board office.~~

~~(3) The course application form, ASACOURS.APP Rev. 2/98, titled Alarm System Agent Course Application, which is hereby incorporated by reference and will be effective 5-11-98, copies of which may be obtained from the Board office.~~

(3)(4) Instructor Requirements are as follows:

(a) No change.

1. through 2. No change.

(b) No change.

~~(4)(5)~~ Each course sponsor must maintain the following records with respect to each course:

(a) through (i) No change.

(6) through (7) renumbered (5) through (6) No change.

Rulemaking Specific Authority 489.507(3), 489.518(1)(b), 489.521 FS. Law Implemented 489.507(3), 489.518(1)(b), 489.521 FS. History–New 5-11-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors’ Licensing Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE NO.: 61G6-12.002  
RULE TITLE: Requirements for Fire Alarm System Agent Training Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow provision of on-line course instruction.

SUMMARY: A provision for on-line course instruction will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.

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

RULEMAKING AUTHORITY: 489.507(3), 489.517, 489.5185 FS.

LAW IMPLEMENTED: 489.507(3), 489.5185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-12.002 Requirements for Fire Alarm System Agent Training Courses.

(1) through (2) No change.

(3) The completed Training Provider and Continuing Education Course Approval Application on a form provided by the Department. course sponsor form, ASASPONS.APP Rev. 2/98, titled Alarm System Agent Sponsor Application, which is hereby incorporated by reference and will be effective 5-11-98, Copies of the form which may be obtained online at: [http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training\\_provider\\_and\\_cc\\_course\\_approval\\_package\\_enterable.pdf](http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training_provider_and_cc_course_approval_package_enterable.pdf), or from the Board office. course sponsor form, FASASPON.APP (Revised 8/6/98), titled Fire Alarm System Agent Sponsor Application, effective 2-18-99, which is hereby incorporated by reference and can be obtained from the Board office.

~~(4) The course application form, FASACOU.APP (Revised 8/6/98), titled Fire Alarm System Agent Course Application, effective 2-18-99, which is hereby incorporated by reference and can be obtained from the Board office.~~

~~(4)(5) Instructor requirements are as follows:~~

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

~~(5)(6) Course record requirements are as follows:~~

~~(a) No change.~~

~~1. through 6. No change.~~

~~(b) through (d) No change.~~

~~(7) through (8) renumbered (6) through (7) No change.~~

Rulemaking Specific Authority 489.507(3), 489.517, 489.5185 FS. Law Implemented 489.507(3), 489.5185 FS. History–New 2-18-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors’ Licensing Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.001  
RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the fee for the biennial registry for licensed and certified appraisers.

SUMMARY: The fee for biennial registry for licensed and certified appraisers will be increased to cover increase from the Appraisal Subcommittee.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase regulatory costs, including transactional costs, in excess of \$1 million in the aggregate within 5 years after implementation of the rule. Additionally, it has been determined that the rule does not meet the threshold for ratification by the Legislature. The following is a summary of the SERC:

- An estimated total of 8,850 individual appraisers will be affected by the rule amendment.
- There will be no additional cost to the department for implementing the proposed rule.
- There will be no cost to any other state and local government entities of implementing the proposed rule.
- Analysis of impact on small business: 8,850 individual appraisers will pay \$15.00 per year (\$30.00 for biennial registry fees) for a total of \$132,750 annually.
- No small county or small city will be impacted by the proposed rule.

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

**RULEMAKING AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 215.34, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Juana Watkins, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

61J1-2.001 Fees.

(1) through (6) No change.

(7) Biennial Registry fee for licensed and certified appraisers as required by the Appraisal Subcommittee. ~~\$50.00~~ **\$80.00**

(8) through (15) No change.

Rulemaking Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, 3-13-07, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Florida Real Estate Appraisal Board

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Real Estate Appraisal Board  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 10, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 23, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61J1-7.001	Display and Disclosure of Registration, License or Certification Designation

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to clarify what designations or abbreviations denoting licensure may be used on appraisal reports.

**SUMMARY:** The language concerning what designations or abbreviations denoting licensure on appraisal reports will be clarified.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** Have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature. The following is a summary of the SERC:

- A total of 7,652 appraiser licensees will be affected by the rule amendment.
- All Registered Trainee Appraisers, Licensed Appraisers, Certified Residential Appraisers, and Certified General Appraisers will be required to update their advertising media to reflect the simplified abbreviation of their designation.
- There will be no additional cost to the department for implementing the proposed rule.
- There will be no cost to any other state and local government entities of implementing the proposed rule.
- An estimated number of the small businesses that would be subject to the rule are more than 5,000.
- Analysis of impact on small business: 7,652 appraiser licensees with a cost of approximately \$25.00 per licensee for a total of \$191,300, a one-time expense to current licensees.
- No small county or small city will be impacted by the proposed rule.

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

**RULEMAKING AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 475.622 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.001 Display and Disclosure of Registration, License or Certification Designation.

- (1) No change.
- (2) The following designations or abbreviations shall be used:

(a) "State-registered trainee ~~real estate appraiser~~"; "~~registered trainee~~" or "~~T~~trainee RI###."

(b) "State-licensed real estate appraiser"; "~~state licensed r.e. appraiser~~"; "~~state lic. r.e. appraiser~~"; "~~state lic. r.e. appr.~~" or "~~St.Lic.REA~~" or "~~Licensed RH###.~~"

(c) "State-certified residential real estate appraiser"; "~~state certified residential r.e. appraiser~~"; "~~state certified residential appraiser~~"; "~~state certified res. appraiser~~"; "~~state cert. res. appraiser~~"; "~~state cert. res. appr.~~" or "~~St.Cert.Res.REA~~" or "~~Cert Res RD###.~~"

(d) "State-certified general real estate appraiser"; "~~state certified general r.e. appraiser~~"; "~~state certified general appraiser~~"; "~~state certified gen. appraiser~~"; "~~state cert. gen. appr.~~" or "~~St.Cert.Gen.REA~~" or "~~Cert Gen RZ###.~~"

- (3) No change.

Rulemaking Specific Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.001, Amended 10-29-98, 2-12-03, 2-16-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-21.113  
RULE TITLE: Required Continuing Education  
PURPOSE AND EFFECT: Section 633.022, Florida Statutes, was amended by Section 51, Chapter 2010-176, Laws of Florida, to require licensed fire equipment dealers and permittees to take 16 hours of continuing education every two years instead of 32 hours every four years. The due date for the hours was changed from every four years on the anniversary of

initial licensure to the renewal date of December 31, 2011 and every odd numbered year thereafter. The purpose of the rule is to comport with statute and provide a transition mechanism.

SUMMARY: Sixteen hours of continuing education will be required every two years on December 31, 2011 and every odd numbered year thereafter, except that licensees and permittees whose authorizations were issued within one year of the due date are only required to submit eight hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 633.01, 633.061(4) FS.

LAW IMPLEMENTED: 633.061 FS.

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

DATE AND TIME: Tuesday, June 21, 2011, 10:00 a.m. (or immediately following the conclusion of the Rule 69A-38.020, F.A.C. hearing).

PLACE: Conference Room 313, The Atrium Building, 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: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Jim.Goodloe@myfloridacfo.com, (850)413-3620. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Jim.Goodloe@myfloridacfo.com, (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-21.113 Required Continuing Education.

- (1) No change.
- (2) The continuing education course or combination of courses shall be related to the scope of each license and each permit held. All licensed fire equipment dealers are required to complete at least ~~one hour of a workplace safety class~~, one

hour of a business practices class, ~~and~~ one hour of a workers' compensation class, and fourteen hours of technical content as part of the required continuing education for license renewal each ~~two four~~ year period, except that a licensee who receives an initial license issued for 1 year or less shall be required to complete 50 percent of the required hours for a biennial license. All permitted fire equipment permittees are required to complete at least one hour of a workplace safety class, one hour of a business practices class and fourteen hours of technical content as part of the required continuing education for permit renewal each two year period, except that a permittee who receives an initial permit issued for 1 year or less shall be required to complete 50 percent of the required hours for a biennial permit. All current licenseholders and permitholders, regardless of any previous continuing education due date, must provide proof of sixteen hours of continuing education for renewal on December 31, 2011 and every two year period thereafter.

(3) through (10) No change.

(11) The licenseholder or permitholder shall submit proof of completion of the required course or courses to the Regulatory Licensing Section on Form ~~DFS-K3 D14-393~~, "Fire Equipment Continuing Education Coursework," amended \_\_\_\_\_, revised and dated 03/00, as adopted and incorporated herein by reference. Form DFS-K3 D14-393 may be obtained by writing Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Each licenseholder or permitholder will be notified by the Regulatory Licensing Section, in writing, if the continuing education course work submitted does not satisfy the continuing education requirement in Section 633.061(3)(a), F.S. No notification will be given over the telephone.

(12) No change.

Rulemaking Specific Authority 633.01, 633.061(4) FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, 11-21-01, Formerly 4A-21.113, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jim Goodloe, Chief, Bureau of Fire Prevention  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-38.020  
 RULE TITLE: Scope  
 PURPOSE AND EFFECT: To make the rule consistent with the provisions of Section 419.001(2), F.S.

SUMMARY: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 633.01(1), 633.022(2)(a) FS.

LAW IMPLEMENTED: 633.01(1), 633.022(1)(b) FS.

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

DATE AND TIME: Tuesday, June 21, 2011, 9:30 a.m.

PLACE: Conference Room 313, The Atrium Building, 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: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Jim.Goodloe@myfloridacfo.com, (850)413-3620. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, Jim.Goodloe@myfloridacfo.com, (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-38.020 Scope.

(1) These rules apply to any residential developmental disabilities facility required to be licensed by the Florida Agency for Persons with Disabilities, pursuant to Section 393.067, F.S., ~~Rule 65B-38.005 and Chapter 65B-6, F.A.C.~~ In any determination of the number of persons living in a facility, only those persons who are clients as defined in Section 393.13(4), F.S., shall be counted. Intermediate care facilities for the developmentally disabled are licensed by the Agency for Health Care Administration pursuant to Chapter 400, Part VIII, F.S. Section 400.11 F.S., and Rule Chapter 59A-26,

~~F.A.C.~~ The Agency for Persons with Disabilities and the Agency for Health Care Administration are affected by these rules.

(2) No change.

(3) This rule chapter shall apply as follows:

(a) Part II shall apply to any residential facility, as defined in Section 393.063(26), F.S., including any:

1. Group home facility, as defined in Section 393.063(16), F.S., servicing more than six clients;

2. Residential habilitation center, as defined in Section 393.063(28), F.S., and

3. Comprehensive transitional educational program, as defined in Section 393.063(8), F.S., which is providing room and board for individuals with developmental disabilities and that is required to be licensed by the Florida Agency for Persons with Disabilities, pursuant to Section 393.067, F.S. Florida Statutes, and Chapter 65B-6, F.A.C. These rules do not apply to day care centers or residential child-care facilities.

(b) No change.

(c) Part IV shall apply to any:

1. Foster care facility as defined in Section 393.063(15), F.S., and

2. Group home facility as defined in 393.063(16), F.S., servicing six five or fewer clients and licensed pursuant to Chapter 65B-6, F.A.C.

Rulemaking Specific Authority 633.01(1), 633.022(2)(a) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 10-30-90, Amended 7-11-01, Formerly 4A-38.020, Amended 7-30-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer/State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2011

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NOS.:	RULE TITLES:
69L-34.001	Definitions
69L-34.002	Mandatory Carrier Reporting
69L-34.003	Elective Referral of Alleged Health Care Provider Violation
69L-34.004	Timeliness of a Referral
69L-34.005	Referral Investigation
69L-34.006	Invalid Referrals

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to:

1. Clarify that the mandatory reporting of all instances of overutilization to the Division of Workers’ Compensation (“Division”) shall be accomplished by means of the Carrier’s compliance with the Division’s medical claims information filing requirements in subsections 69L-7.602(5) and (6), Florida Administrative Code (F.A.C.), Florida Workers’ Compensation Medical Services Billing, Reporting and Filing Rule; and

2. Introduce an elective reporting process by which any person may report to the Division, a Health Care Provider’s violation of Chapter 440, Florida Statutes (F.S.), and applicable administrative rules.

SUMMARY: The proposed rule chapter provides that Carriers satisfy their mandatory reporting requirements under Section 440.13(8), F.S., “Pattern or Practice of Overutilization,” by filing the required medical claims data elements and any other medical billing and payment information required by the Division in accordance with the provisions of subsections (5) and (6) of Rule 69L-7.602, F.A.C., “Florida Workers’ Compensation Medical Billing, Filing and Reporting Rule,” or denies authorization of a recommended medical benefit by issuing a Notice of Denial Form, DFS-F2-DWC-12, pursuant to Rule 69L-3.012, F.A.C. The proposed rule chapter also incorporates new form DFS-F6-DWC-2000, titled, “Health Care Provider Violation Referral Form,” that provides Carriers with a discretionary method of reporting Health Care Provider violations to augment the mandatory process that occurs in accordance with the provisions of Rule 69L-7.602, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule chapter is not anticipated to have an adverse impact on economic growth or to increase regulatory costs.

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

RULEMAKING AUTHORITY: 440.13(4)(c), (7)(e), 440.591 FS.

LAW IMPLEMENTED: 440.13, 440.13(1), 440.13(1)(k), (4), (7), (8), (11), (13), (14), (16), 440.192 FS.

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

DATE AND TIME: Thursday, June 23, 2011, 9:00 a.m.

PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689, Eric.Lloyd@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-34.001 Definitions.

As used in this Rule Chapter:

(1) "Carrier" is as defined in Section 440.13(1)(c), Florida Statutes (F.S.).

(2) "Division" means The Department of Financial Services Division of Workers' Compensation.

(3) "Health Care Provider" (hereinafter referred to as "Provider") is as defined in Section 440.13(1)(h), F.S., and includes those that consent to the jurisdiction of the Division pursuant to Section 440.13(3)(f), F.S.

(4) "Supportive Documentation" is defined as all documents and records that support an allegation of a violation pursuant to this Rule Chapter.

(5) "Verifiable delivery process" is defined as the ability to document a common carrier's pick-up date or a United States Postal Services postmark date.

(6) "Violation" is defined as a Provider's non-compliance with Chapter 440, F.S. and Division rules, which shall include: failing to submit medical records and reports pursuant to Section 440.13(4)(a) and (c), F.S., or pursuant to subsection 69L-7.602(4), F.A.C.; failing to refund an overpayment of reimbursement, pursuant to Section 440.13(11)(a), F.S.; collecting or receiving payment from an injured worker in violation of Section 440.13(14)(a), F.S.; failing to follow standards of care, pursuant to Section 440.13(16), F.S., including overutilization of services; or failing to properly bill medical services, pursuant to Rule 69L-7.602, F.A.C. Recommending treatment that would constitute overutilization, in and of itself, is not an instance of overutilization.

(7) "Improper billing and billing errors" means the failure of a Provider to comply with the Division's billing and reporting requirements pursuant to Rule 69L-7.602, F.A.C., and the applicable reimbursement manual(s).

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented 440.13, 440.13(1)(k) FS. History--New \_\_\_\_\_.

69L-34.002 Mandatory Carrier Reporting.

A Carrier shall have met the requirements to report to the Division, pursuant to Section 440.13(8), F.S., all instances of overutilization and improper billing and billing errors, including all instances in which the Carrier disallows or adjusts

payment, by timely filing the required medical claims data elements with the Division, as required in subsections 69L-7.602(5) and (6), F.A.C., or denies authorization of a recommended medical benefit by issuing a Notice of Denial Form DFS-F2-DWC-12, pursuant to Rule 69L-3.012, F.A.C.

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented, 440.13(8) FS. History--New \_\_\_\_\_.

69L-34.003 Elective Referral of Alleged Health Care Provider Violation.

(1) Any person who elects to submit a report of a violation, as defined in this rule chapter, directly to the Division's Office of Medical Services, shall use the Health Care Provider Violation Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), (hereinafter "Referral Form"), which is hereby incorporated by reference. The Referral Form is available via the Division's web site at <http://www.myfloridacfo.com/wc/provider/index.html>.

(2) Such person shall submit to the Division a separate Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), and all supportive documentation for each alleged violation.

(3) Such person shall serve a copy of the Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), and all supportive documentation on the Provider utilizing a verifiable delivery process, such as United States Postal Service certified mail or a similar process offered by a common carrier.

(4) Supportive documentation of a specific violation may include, but is not limited to, the following documents or records:

(a) All DFS-F5-DWC-25 forms submitted by the Provider for the authorization of treatment provided or prescribed for the date(s) of service under review and the Carrier's response to each request for authorization. Form DFS-F5-DWC-25 is hereby incorporated by reference.

(b) Electronic or written correspondence between the Carrier and the Provider regarding the medical necessity of treatment prescribed or rendered on the date(s) of service under review.

(c) All carrier notices of disallowance or adjustment of reimbursement within the meaning of Section 440.13(7), F.S., for the date(s) of service and treatment under review (e.g., Explanations of Bill Reviews or EOBRs).

(d) A copy of each medical bill for the date(s) of service under review, which lists the line item service disallowed or adjusted on the basis of overutilization, or improper billing, or a billing error.

(e) Peer review report(s) substantiating a standard of care violation, including overutilization of services, for the date(s) of service under review with specific reference to the practice guidelines upon which the peer review finding is based.

(f) Electronic or written request(s) sent to the Provider for a refund of reimbursement for line item service(s) that constituted overutilization or an improper billing or a billing error.

(g) Electronic or written request(s) sent to the Provider for medical records and information or for the submission of Form DFS-F5-DWC-25.

(h) Electronic or written correspondence notifying the Provider of the Carrier's responsibility for the payment of medical services rendered for authorized treatment pursuant to the applicable reimbursement manual and the Provider's inability to balance bill the injured worker.

(i) Copies of collection letters sent to the injured worker from the Provider or a collection agent acting on behalf of the Provider, seeking payment for covered medical services authorized by the Carrier.

(j) A copy of a Determination, issued by the Division, finding that the Provider improperly billed and is not entitled to additional reimbursement or the amount of reimbursement due is less than the amount the Carrier reimbursed for the billed service(s).

(5) Reporting of violations under this rule does not remove or satisfy the Carrier's mandatory reporting obligation under Rules 69L-7.602 and 69L-34.002, F.A.C.

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented 440.13(7), (8), (11), (14), (16), 440.192 FS. History--New \_\_\_\_\_.

69L-34.004 Timeliness of a Referral.

(1) A properly completed Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), filed with Supportive Documentation, must be received by the Division no later than 180 days after the issuance of an EOBR, as defined in Rule 69L-7.602, F.A.C., or another form of initial notification sent from the Carrier to the Provider identifying the occurrence of an alleged violation.

(2) The EOBR or initial notification of the occurrence of an alleged violation shall be via an electronic or written notice sent to the Provider.

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented 440.13(8) FS. History--New \_\_\_\_\_.

69L-34.005 Referral Investigation.

(1) The Division is authorized to conduct an investigation of an alleged violation based upon any of the following results:

(a) An audit of medical bill data filed with the Division; or

(b) The receipt of a completed Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), and all Supportive Documentation; or

(c) A combination of paragraphs (a) and (b) above.

(2) The Carrier and the Provider shall submit to the Division, within forty-five (45) days of receipt of a document request from the Division, all additional documentation

requested by the Division as a part of its investigation. If any of the requested documentation is not included in the Carrier's or the Provider's response to the Division's document request, the Carrier or the Provider shall submit a specific written explanation as to the reason(s) the documentation was not included.

(3) If either the Carrier or the Provider fails to timely submit the requested documentation or specific written explanation as to the reason the additional documentation can not be provided, the Division, in its exclusive jurisdiction pursuant to Section 440.13(11)(c), F.S., is authorized to close the investigation or issue its findings based on the documentation filed with the Referral Form and any responses appurtenant thereto that were timely received.

(4) The Division shall not issue a penalty for violations under this Rule Chapter except following an investigation pursuant to this rule; however, if the Division finds a Provider has engaged in a violation, administrative penalties, fines or other sanctions shall be issued in accordance with Section 440.13(8), (11) and (13), F.S.

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented 440.13(1),(8), (11), (13) FS. History--New \_\_\_\_\_.

69L-34.006 Invalid Referrals.

(1) A Carrier shall not submit a Referral Form, DFS-F6-DWC-2000 (Effective: \_\_\_\_\_), to the Division to report an alleged violation related to:

(a) A reimbursement dispute pending a Determination, pursuant to Section 440.13(7), F.S.; or

(b) A petition for medical benefits pending before a Judge of Compensation Claims.

(2) A referral related to issues identified in subsection (1) is invalid and shall not be investigated.

Rulemaking Authority 440.13(4)(c), (7)(e), 440.591 FS. Law Implemented 440.13(7), (8), 440.192 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers' Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

