

~~(16) Any application for exemption or revocation of exemption which is returned to the applicant by the Division, within thirty days after receipt by the Division as incomplete, is not "received" for purposes of Section 440.05(5), F.S.~~

~~(17) The following forms are hereby incorporated by reference and can be obtained from the Bureau of Compliance, Division of Workers' Compensation, at www.fldfs/we/ or from any field office identified in Rule 69L-6.009, F.A.C.:~~

~~(a) Form DWC-252, Certificate of Exemption (revised January 2004).~~

~~(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt (revised February 2004).~~

~~(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).~~

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Florida Institute of Phosphate Research

RULE NOS.:	RULE TITLES:
6J-1.001	Purpose
6J-1.002	Offices
6J-1.003	The Board
6J-1.004	The Executive Director
6J-1.005	Meeting and Agenda
6J-1.006	Administration and Travel
6J-1.007	Grants

PURPOSE AND EFFECT: The purpose of revisions to Chapter Rule 6J-1 is to reduce the number of regularly scheduled meetings of the Institute's Board of Directors from 4 per year to 3 per year and to update the rules to be consistent with current Institute operations.

SUMMARY: The Board of Director's of the Florida Institute of Phosphate Research has decided to hold 3 regularly scheduled Board meetings each year instead of 4 in order to assure that funding of research projects is as closely aligned as possible to the Institute's budget and needs. Other changes in the rules are proposed so that the rules accurately reflect the current mode of operations of the Institute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Regulatory Cost has not been prepared.

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.

SPECIFIC AUTHORITY: 378.101(4)(f) FS.

LAW IMPLEMENTED: 378.101, 378.102 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: Shannon E. Medley, Coordinator Administrative Services, Florida Institute of Phosphate Research (FIPR), 1855 West Main Street, Bartow, FL 33830, phone: (863)534-7160, fax: (863)534-7165

THE FULL TEXT OF THE PROPOSED RULES IS:

6J-1.001 Purpose.

The purpose of these rules is to govern the basic administration, organization and research program of the Florida Institute of Phosphate Research. As a research institute administered by the University of South Florida (USF), the policies and procedures of USF pertain to the Institute, except when they are in conflict with legislation pertaining to the Institute, the Administrative Code pertaining to the Institute, or the policies and procedures adopted by the Board of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented, 378.101(4) FS. History--New 1-31-79, Formerly 6C-20.01, 6C-20.001, Amended 7-5-88,_____.

6J-1.002 Offices.

The general offices of the Florida Institute of Phosphate Research are located at 1855 West Main Street, Bartow, FL 33830, (phone (863)534-7160 ~~(813)533-0983~~).

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History--New 1-31-79, Formerly 6C-20.02, 6C-20.002, Amended 7-5-88,_____.

6J-1.003 The Board.

(1) A five member Board shall be appointed by the Governor, as provided by subsection 378.101(4), Florida Statutes.

(2) The members of the Board shall not be entitled to compensation, but shall be paid travel and per diem as provided in Section 112.061, Florida Statutes, while in the performance of their duties, and in traveling to, from, or upon the same.

(3) The Board shall oversee and direct the general conduct of the Institute through action taken at Board meetings. In so doing, the Board shall be responsible for adopting and revising policies to facilitate the administration of the Institute by rule, order or other appropriate action.

(4) The Board shall elect a Chairperson and Vice Chairperson from among its membership. Election shall be by majority vote of the membership and shall take place at the first meeting after October. The Chairperson and Vice Chairperson shall take office immediately after such election

and shall serve until the next election. If for any reason the Chairperson or Vice Chairperson shall be unable to serve a complete term a new Chairperson or Vice Chairperson shall be elected at the next regularly-scheduled meeting for the remainder of the existing term.

(5) The Chairperson shall preside at all meetings of the Board. The Vice Chairperson will preside in the absence of the Chairperson.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4), 378.102 FS. History—New 1-31-79, Formerly 6C-20.03, 6C-20.003, Amended 7-5-88, Repromulgated.

6J-1.004 The Executive Director.

(1) The Executive Director is appointed by the Board and serves at the pleasure of the Board.

(2) The Executive Director shall:

(a) Carry out the policies and decisions of the Board, serve as agency clerk and perform such other duties as the Board may direct.

(b) Act as custodian of records and shall be responsible for maintaining all records including the policies and decisions of the Board and making the same available upon request.

(c) Be responsible for hiring of staff, organization, maintenance of the office and administering the daily conduct of business of the Institute.

(d) Maintain all records of the Board including but not limited to those that are necessary to show the amount and purpose of each research grant, how funds were expended and the results achieved.

(e) Prepare recommended budget requests and program allocations for consideration by the Board.

(f) Present to the Board recommendations and alternatives for the conduct of the grant program.

(g) Maintain close liaison with all Institute research grantees, and be able at all times to advise the Board of the status and plans of each grant program.

(h) Maintain close liaison with the Florida phosphate industry, environmental groups, local governments, state and federal agencies and international entities, keeping apprised of mining, reclamation, beneficiation and processing technology and related problems.

(i) Monitor all Institute research programs.

(j) Present to the Board a strategic plan upon request of the Board. ~~Present to the Board an annual research plan with revisions.~~

(k) Prepare a biennial ~~an annual~~ report and evaluation of the plan and program.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.04, 6C-20.004, Amended 7-5-88, _____.

6J-1.005 Meeting and Agenda.

(1) The Board shall meet at such times and places as it may designate, but shall hold regular meetings at least three times per year, ~~quarterly~~. The time and place of each meeting shall be announced in the Florida Administrative Weekly.

(2) The agenda for each meeting of the Board shall be prepared by the Executive Director in consultation with the Chairperson and made available upon request to the public.

(3) A quorum shall be three members, and except as provided for in subsection 6J-1.003(4), F.A.C., all decisions shall be by majority vote of the members present.

(4) The Executive Director shall prepare official minutes of each meeting, recording all business transacted. Copies of such minutes shall be made available upon request. A permanent file of minutes of all meeting shall be maintained in the administrative offices of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.05, 6C-20.005, Amended 7-5-88, _____.

6J-1.006 Administration and Travel.

(1) The funds for support of the Institute's program including funds for its administration shall be from the Phosphate Research Trust Fund or as otherwise identified within the annual appropriation of the State of Florida, Department of Education, from other national or international entities, or from funds within not-for-profit foundations within the State of Florida, Department of Education.

(2) Members of the Board, the Executive Director, and other persons as authorized by the Board by rule, order or contract shall be reimbursed for travel expenses as provided by law for State employees pursuant to Section 112.061, Florida Statutes, and such other expenses as required in performance of their duties.

Specific Authority 112.061, 378.101(4)(f) FS. Law Implemented 112.061(9)(b), 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.06, 6C-20.006, Amended 7-5-88, _____.

6J-1.007 Grants.

In accordance with subsection 378.101(1), F.S., the Board of Directors will award grants based on their determination of the most effective utilization of available funds in the following areas: environment, public health, reclamation, clay disposal, mining and beneficiation, ~~and~~ chemical processing, and education.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(1) FS. History—New 1-31-79, Formerly 6C-20.07, 6C-20.007, Amended 7-5-88, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Paul R. Clifford, FIPR's Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Brij Moudgil, Chairman, FIPR's Board of Directors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, is proposing to amend the following rules in order to implement changes made by CS/CS/SB 1980 during the 2006 legislative session.

SUMMARY: Rule 19-8.010, F.A.C.: Proposed amended Rule 19-8.010, F.A.C., adopts the Reimbursement Contract for the Contract Year 2006-2007 in subsection (12). This paragraph has been amended to reflect that the Reimbursement Contract now includes three addenda. The changes made to the contract are summarized as follows:

Addendum No. 1: The definition of “losses” in Article VI(4) is amended to clarify that losses covered by the FHCF do not include “rent or rental income.” The language in Article X, which quoted language in Section 215.555(4)(d)2., F.S., which was stricken in CS/CS/SB 1980 was removed and the references to the rapid cash build-up in Articles V (16) and Article X were amended to reflect the amendments to Section 215.555(5)(b), F.S., which requires the inclusion of a 25% rapid cash build-up factor in the reimbursement premium formula.

Addendum No. 2: This Addendum, which addresses a new option created in CS/CS/SB 1980 which allows limited apportionment companies to obtain up to \$10 million dollars in additional FHCF coverage, must be completed by all limited apportionment companies and allows them to select from \$0 up to \$10 million in additional coverage. The Addendum also provides information on the cost and payment timeline for such additional coverage and clarifies that other provisions of the Reimbursement Contract, to which the Addendum is attached are applicable to the Addendum.

Addendum No. 3: This Addendum addresses the changes to Section 215.555(5), F.S., which created a procedure by which Citizens Property Insurance Corporation (“Citizens”) could obtain FHCF coverage for policies when Citizens takes over policies from a liquidated insurer. The law allows Citizens to

choose whether to include such policies under its Reimbursement Contract with the FHCF or to accept an assignment of the liquidated insurer’s Reimbursement Contract with the FHCF. Addendum No. 3 provides the information on these new options, provides the form on which to make the option and provides the requirements, procedures and timeframes for selecting the option with respect to each transfer of policies from a liquidated insurer to Citizens.

SUMMARY: Rule 19-8.013, F.A.C.: The proposed amendments to Rule 19-8.013, F.A.C., add clarifications regarding the use of reimbursement premiums and rapid cash build-up from Contract Year 2006-2007 to pay losses, add clarifications to the grounds for adjusting the emergency assessment percentage, and add clarifications to address the emergency assessment payment calculations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: With respect to the rules proposed for amendment, the Board has prepared a statement and found the cost to be minimal.

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.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10) 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: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (11) No change.

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

(13) No change.

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

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

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

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. Amounts collected in Contract Year 2006-2007 as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., Florida Statutes may be used to pay for losses attributable to prior Contract Y years. Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) through (e)2. No change.

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

(5)(a) No change.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the preceding calendar quarter ~~calendar year to which the assessment applies~~ from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency

Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct written premium from all Assessable Lines. Surplus lines agents shall collect the Emergency Assessment at the same time as the surplus lines agent collects the surplus lines tax required by Section 626.932, F.S., and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The Emergency Assessment on each insured procuring coverage and filing under Section 626.938, F.S., shall be an amount equal to the required percentage of its direct written premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the Emergency Assessments received as directed by the Office of Insurance Regulation.

(d) No change.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006, Vol. 32, No. 23

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001
 RULE TITLE: Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.5595, Florida Statutes.

SUMMARY: Proposed Rule 19-15.001, F.A.C., addresses all aspects of the implementation of the Insurance Capital Build-Up Incentive Program including the minimum requirements, the application, the surplus note, the quarterly reporting if the applicant is selected for the Program and the selection criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The regulatory costs are as outlined in the application and in section 5. of CS/CS/SB 1980.

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

SPECIFIC AUTHORITY: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595(2), (3), (4), (5), (6), (7) FS.

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

DATE AND TIME: Monday, July 24, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

TELEPHONE: The conference call number for the meeting, for those persons who cannot be physically present, is (850)487-8540 or Suncom 277-8540.

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.

(1) Purpose. Section 215.5595, F.S., creates the Insurance Capital Build-Up Incentive Program (“Program”) for the purposes of increasing the availability of residential property insurance covering the risk of hurricanes in Florida and mitigating premium increases. The State Board of Administration of Florida (“Board”) is directed to administer the Program. This Rule is promulgated to implement the Program.

(2) Scope.

(a) The Legislature has appropriated a total of \$250 million for the purposes of this Program.

(b) The Board in an effort to implement this Program in a timely fashion consistent with the start of the June 1, 2006, hurricane season and consistent with the flexibility provided for in Section 215.5595(2)(h), F.S., has established an earlier implementation date of June 1, 2006, and pursuant to this Rule has allocated the total \$250 million, less moneys needed for administrative expenses, to be made available to Insurers applying within the time frame of June 1, 2006 until June 15, 2006. Any remaining funds which are not committed shall be available to those Insurers applying during the second time frame, June 16, 2006 until July 1, 2006. If there are funds remaining following the two initial time frames, such funds will be available for those Insurers which apply within the time

frame of July 2, 2006 until June 1, 2007. The unexpended balance of the appropriation shall revert to general revenue, but not until June 30, 2007.

(c) The proceeds derived from the Surplus Note issued by the Insurer, pursuant to Section 215.5595(4), F.S., is intended to be an asset for statutory accounting purposes and not a liability on the Insurer’s balance sheet.

(d) The Board’s actions and determinations in administering this Program are exempt from Chapter 120, F.S., pursuant to Section 215.5595(6), F.S.

(e) An Insurer may qualify and be eligible for consideration under this Program provided that the Insurer contributes New Capital and commits to meeting the Minimum Writing Ratio for the term of the Surplus Note. Additionally, the Insurer’s Surplus, New Capital contribution, and Surplus Note must total at least \$50 million, and the Insurer must submit the application as adopted under this Rule within the time frames referenced in Section 215.5595(2)(b), F.S.

(f) The Board may Approve an application by an eligible and qualifying Insurer for a Surplus Note, unless the Board determines that the financial condition of the Insurer and its business plan for writing residential property insurance in Florida places an unreasonably high level of financial risk to the state of nonpayment in full of the interest and principal. The Board shall consult with the Office and may contract with independent financial and insurance consultants in making this determination.

(g) If the amount of Surplus Notes requested by Insurers exceeds the amount of funds available, the Board may prioritize Insurers that are eligible and Approved, regardless of the date of application within the application time frames. Consideration shall be given to the financial strength of the Insurer, the viability of the Insurer’s proposed business plan for writing additional residential property insurance, and the effect on competition.

(3) Definitions.

(a) “Applicant” means the Insurer making application under the Program.

(b) “Approve,” “Approving,” “Approved,” or “Approval” means the Insurer’s application has been approved contingent upon a review and prioritization of all the applicants who may have applied for the limited funds available under the Program during the application periods specified in paragraph (4)(e), (f), or (g) below. If the amount of the Surplus Notes requested does not exceed the funds available during these application periods, it will not be necessary for the Board to prioritize applicants prior to distributing funds, but in all cases the Insurer shall be required to contribute New Capital and provide verification of a deposit prior to the Board distributing the proceeds derived from the Surplus Note.

(c) “Board” means the State Board of Administration of Florida.

(d) “Cash” or “Cash Equivalents” means unencumbered cash or unencumbered cash equivalents as specified in Section 625.012(1), F.S. Cash Equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.

(e) “Impair” or “Impaired” means the Insurer’s Surplus is below the Minimum Required Surplus as specified in Section 215.5595(2)(c), F.S.

(f) “Insurer” means an authorized insurance company seeking to participate in the Program.

(g) “Minimum Capital Contribution” means, with respect to Insurers who apply to the Board by July 1, 2006, a contribution of New Capital to its Surplus which is at least equal to the amount of the Surplus Note. “Minimum Capital Contribution” means, with respect to all other applicants applying after July 1, 2006 and before June 1, 2007, a contribution to its Surplus that is twice the amount of the Surplus Note.

(h) “Minimum Required Surplus” means, for purposes of this Program, that the Insurer’s total Surplus, after the issuance of the Surplus Note and New Capital contribution equals at least \$50 million.

(i) “Minimum Writing Ratio” means a 2:1 ratio of Net Written Premium to Surplus.

(j) “Net Written Premium” means direct Premium plus assumed Premium less ceded Premium.

(k) “New Capital” must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. A New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer’s application date for the Surplus Note or any other funds contributed to the Insurer’s Surplus which are made for purposes other than in conjunction with the requirements of the Program.

(l) “Surplus Note” means the Surplus Note issued by the Insurer to the Board.

(m) “Office” means the Office of Insurance Regulation, which was created in Section 20.121(3), F.S.

(n) “Premium” means premiums relating to residential property insurance in Florida including the peril of wind.

(o) “Program” means the Insurance Capital Build-Up Incentive Program created by Section 215.5595, F.S.

(p) “Substantial Impairment” or “Substantially Impair” means that the Commissioner of Insurance Regulation (Commissioner) has solvency concerns that the Insurer may not be able to meet the obligations of its policyholders and has provided the Board with a written explanation.

(q) “Surplus” means the Insurer’s admitted assets less the Insurer’s liabilities and refers to the entire Surplus of the Insurer.

(4) Administration.

(a) The Legislature has appropriated \$250 million for the Program with a limitation of one percent of this amount used for administrative cost and fees.

(b) For purposes of applications and other documentation provided to the Board the date of receipt shall be the date that the item has actually been delivered to the Board by 5 p.m. E.T. Any items received after 5 p.m. E.T. will be deemed to have been received on the next business day that is not a Saturday, Sunday, or legal holiday. Neither the United States Postal Service postmark nor a postage meter date is determinative.

(c) Incomplete applications will be returned to the Insurer and will not be considered by the Board.

(d) The submission of a completed application by an Insurer that has met all the conditions necessary for Approval is no guarantee that a Surplus Note will be executed and that funds will be available and distributed to an Insurer.

(e) Application time frame from June 1, 2006 to June 15, 2006: Applications received from June 1, 2006 to June 15, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(f) Application time frame from June 16, 2006 to July 1, 2006: If there are funds remaining after the review of applications received on or before June 15, 2006, then applications received from June 16, 2006 to July 1, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(g) Application time frame from July 2, 2006 to June 1, 2007: If there are funds remaining after the review of applications received on or before July 1, 2006, then applications received from July 2, 2006 to June 1, 2007, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board. Additional information may be requested by the Board as provided for in subsection (7) below.

(h) The Board shall not reserve funds based on an Insurer’s application date or the date which funds are requested by the Insurer. Funds will not be committed to an Insurer until the Surplus Note is executed by both the Insurer and the Board.

(5) Statutory Requirements for an Insurer’s Participation in the Program. In determining whether an Insurer has met the requirements outlined below, the Board shall consult with the Office and may consult with independent financial and insurance consultants.

(a) Insurers who apply to the Board on or before July 1, 2006, must contribute an amount of New Capital to its Surplus which is at least equal to the amount of the Surplus Note requested.

(b) Insurers who apply to the Board after July 1, 2006, but before June 1, 2007, must contribute an amount of New Capital to its Surplus which is at least twice the amount of the Surplus Note requested.

(c) Insurers must submit a completed application including supplying all the required documentation to the Board. The application Form, SBA 15-1, is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program" then "Application."

(d) Prior to the time the application, Form SBA 15-1, is submitted, the Insurer must review and accept the terms of the Surplus Note, Form SBA 15-2, which is hereby adopted and incorporated by reference into this Rule. The Surplus Note is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program" then "Surplus Note."

(e) The principal amount of the Surplus Note issued to any Insurer or Insurer group may not exceed \$50 million.

(f) An Insurer's Surplus, New Capital, and the Surplus Note must total at least \$50 million as a result of participating in the Program.

(g) Prior to the execution of the Surplus Note, the Insurer must arrange for the Board to receive a letter from a depository institution which states the amount of unencumbered Cash or Cash Equivalents that have been deposited into the Insurer's account.

(h) Prior to the execution of the Surplus Note, the Insurer must provide the Board with a letter from the Insurer's top executive officer attesting that the New Capital contribution, for purposes of the Insurer, is not subject to any liens or other encumbrances.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, which is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program" then "Quarterly Net Written Premium Report."

(j) Insurer's plan of operation, submitted as part of the application process, must address how the Insurer intends to reach the required Minimum Writing Ratio within sixty days of the Board distributing funds to the Insurer.

(k) Insurer shall provide documentation showing that the Insurer is currently in compliance with Section 627.0645, F.S., which requires an annual base rate filing.

(l) Only those Insurers that can demonstrate as a result of their financial condition and business plan that they do not create an unreasonably high level of financial risk to the state involving the full repayment both interest and principal will be considered for Approval by the Board after consulting with the Office and after any other review deemed necessary by the Board.

(6) Prioritization of Applications. The Board may consult with the Office and with independent financial and insurance consultants in prioritizing Approved applications. The intent of the prioritization process is to provide the Surplus Note proceeds to those Insurers that are expected to have the greatest impact and result in the greatest benefits to the residential property insurance market in a timely fashion so as to relieve short term market pressures. Prioritization may occur based upon the following criteria:

(a) The earlier an application is filed, the better the chance that there will be funds remaining in the Program to provide to qualified and Approved Applicants.

(b) The amount of an Insurer's New Capital contributions in excess of the minimum requirement.

(c) An Insurer's financial strength.

(d) The Insurer's ability to timely and expeditiously meet the Minimum Writing Ratio requirement as described in the Insurer's business plan.

(e) The viability and the level of detail and specificity associated with the Insurer's proposed business plan for writing additional residential property insurance covering the peril of wind.

(f) The effect on competition in the residential property insurance market including the number of new policies which the Insurer contemplates writing as a result of the Program.

(g) Whether the repayment of the Surplus Note will be guaranteed by a financially strong guarantor.

(h) Whether the Insurer is willing to pledge any assets as collateral for the repayment of the Surplus Note.

(i) Any other concessions an Applicant is willing to make that would enhance the purposes and effectiveness of the Program.

(7) Additional Information.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) Additional information may only be solicited by the Board. The Insurer shall not unilaterally submit additional information or data past the application time frame for which the Surplus Note is being considered. If the Insurer desires to submit such additional information, the Insurer may request

that a new application submission date be established and that the Insurer be considered for the next application time frame as designated in paragraph (4)(e), (f), or (g) above.

(8) Payment Conditions.

(a) Interest Rate: The Surplus Note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate. The rate will be adjusted quarterly for the term of the Surplus Note based on the 10-year Constant Maturity Treasury rate.

(b) Interest for the First Three Years: For the first three years of the Surplus Note, an Insurer is required to pay interest only. However, principal payments can be made during this time at the option of the Insurer. Interest payments shall begin to accrue from the date that the Surplus Note proceeds are distributed to the Insurer.

(c) Repayment Limitations: Any payment of principal or interest by the Insurer on the Surplus Note must be approved by the Commissioner, who shall approve the payment unless the Commissioner determines that such payment will result in a Substantial Impairment to the financial condition of the Insurer. If such a determination is made, the Commissioner shall approve such payment that will not Substantially Impair the financial condition of the Insurer or recommend to the Board a limited time period for the suspension of payments. The Board will seek approval of payments from the Commissioner and will notify any Insurer if a payment of principal and/or interest has been disapproved or, if a lower amount has been approved, the amount by which the usual payment is to be reduced, or whether a payment(s) have been suspended for a limited period of time. If full payments of principal and interest are not received in a timely fashion, the Board may lengthen the term of the Surplus Note and make any other adjustments with the Approval of the Commissioner that will protect the state's interest in the repayment of the proceeds.

(d) Interest shall continue to accrue even in situations where payments under the Surplus Note have been suspended as a result of the Commissioner's actions.

(9) Default: Conditions, Consequences, and Insurer Responsibilities.

(a) Conditions Resulting in Default:

1. Failure to reach the Minimum Writing Ratio within 60 days of an Insurer receiving the proceeds of the Surplus Note distributed by the Board or the failure to maintain the Minimum Writing Ratio once reached.

2. Failure to submit quarterly filings of Form SBA 15-3 to the Office.

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses.

4. Misuse of Program Proceeds: The Surplus Note will be in default if proceeds received pursuant to the Surplus Note are converted into any asset not authorized under Part II of Chapter 625, F.S.

5. Failure to make a payment of interest and/or principal where the payment by the Insurer has been approved by the Office.

6. Failure to make a payment of interest and/or principal where the payment by the Insurer has not been approved by the Office, but alternative payments have been approved.

7. False or Misleading Statements: Any representations, including those made in the application and/or accompanying documentation, which is false or misleading.

8. When the Insurer pays any ordinary or extraordinary dividend when there are payments of principal or interest payments that are past due under the Surplus Note.

(b) Consequences of Default: For all defaults, the Board, in its sole discretion, may exercise any one of the following options:

1. Increase the interest rate to the maximum interest rate permitted by law;

2. Accelerate the repayment of principal and interest;

3. Shorten the term of the Surplus Note;

4. Call the Surplus Note and demand full repayment.

(c) Insurer responsibilities: The Insurer shall notify the Board when any of the above conditions resulting in default arises.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c),(d),(e),(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane
Catastrophe Fund, State Board of Administration of Florida
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: The Trustees of the State Board of
Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 9, 2006, Vol. 32, No.23

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-103.007

Appeals to the Office of the Secretary

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

SUMMARY: Amends the rule to remove the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

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

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164

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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.007 Appeals to the Office of the Secretary.

(1) through (7) No change.

(8) Copies.

(a) through (c) No change.

~~(d) A complete copy of the grievance shall be kept on file in the Bureau of Inmate Grievance Appeals.~~

~~(d)(e)~~ Attachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes, Director of Research and Support Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.016
RULE TITLE: Follow Through on Approved Grievances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove language stating that the original form DC1-306 is attached to the copy of the approved grievance in the bureau file. This is for consistency with an

amendment to Rule 33-103.007, F.A.C., which deletes the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

SUMMARY: Amends the rule to remove language stating that the original form DC1-306 is attached to the copy of the approved grievance in the bureau file.

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

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164

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: Sherry Toothman, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.016 Follow Through on Approved Grievances.

(1) No change.

(2) Appeals to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (e) No change.

(f) The grievance coordinator shall place a copy of the completed form in the inmate's institutional file, retain a copy for his record, and forward the original and canary copy of form DC1-306 to the Chief of Inmate Grievance Appeals within 45 calendar days from the grievance approval date. The Chief shall ensure that the inmate grievance log in the Bureau of Inmate Grievance Appeals is updated and that ~~the original form DC1-306 is attached to the copy of the approved grievance in the bureau file and~~ a copy of form DC1-306 is sent to the central office inmate file.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New, 4-10-95, 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes, Director of Research and Support Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.313
 RULE TITLE: Inmate Discipline – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-112C, Witness Statement, to provide for a use of force number to allow witness statements gathered during investigations to be numbered for tracking purposes.

SUMMARY: A use of force number is being added to Form DC6-112C, Witness Statement, to allow witness statements gathered during investigations to be numbered for tracking purposes.

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

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 945.04 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

- (a) through (d) No change.
- (e) DC6-112C, Witness Statement Form, effective date 5-21-00.
- (f) through (j) No change.
- (2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, ~~944.34~~, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002
 RULE TITLE: Salon Requirements

PURPOSE AND EFFECT: To address cleanliness issues in the salon.

SUMMARY: The rule implements standards for footbath sterilization.

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

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

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.002 Salon Requirements

- (1) No change.
- (2)(a) through (f) No change.

(g) Pedicure Equipment Sterilization and Disinfection: The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

2. At the end of each day of use, the following procedures shall be used:

a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a

chelating soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in a EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturers instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system flushed with warm water and low-sudsing soap for 5 minutes, rinsed, and drained.

b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin, or for at least 6 hours. Before use, the system must be drained and flushed.

4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.

(3) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, 1-17-83, 8-10-83, 6-28-84, 10-6-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.:	RULE TITLE:
64B11-5.001	Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify fieldwork educator.

SUMMARY: The amendment to the rule is to clarify fieldwork educator.

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

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

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.036, 468.219 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (11) No change.

(12) Fieldwork Experience – A licensee may earn up to 6 continuing education hours per biennium for supervision of a Level II Occupational Therapy or Occupational Therapy Assistant fieldwork student at the rate of no more than 3 hours per student. To be eligible for the credit, the licensee must participate as the primary clinical fieldworker ~~or~~ educator for the student. Documentation shall include verification provided by the school to the fieldwork educator with the name of the

student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments shall be deleted or blocked out.

(13) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History--New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board purposes to amend the rule for continuing education courses.

SUMMARY: The proposed rule will amend the procedures for approval of attendance at continuing education courses.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Respiratory Care,/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. through 2. No change.

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association, ~~provided that they are related to respiratory care services:~~

(b) through (g) No change.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care ~~appropriate~~ continuing education in the areas of management, risk management, personal growth, and education techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-78.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-137.013
 RULE TITLE: Florida Hurricane Catastrophe Fund Assessment Information Gathering

PURPOSE, EFFECT, AND SUMMARY: The rule establishes procedures by which the Office monitors, verifies, and assures compliance with Section 215.555(6)(b), F.S., relating to assessments to the Florida Hurricane Catastrophe Fund.

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

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

SPECIFIC AUTHORITY: 215.555(6)(b), 624.308(1), 624.4211 FS.

LAW IMPLEMENTED: 215.555(6)(b), 624.4211 FS.

IF REQUESTED IN WRITING 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: July 28, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation, E-mail: carol.mcbrrier@fldfs.com. The form referenced may be downloaded from the Office's web page at www.floir.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.013 Florida Hurricane Catastrophe Fund Assessment Information Gathering.

(1) This rule delineates the information the Office requires from authorized insurers and residual markets to enable the Office to verify the accurate and timely collection and remittance of emergency assessments and to monitor and verify compliance with Section 215.555(6)(b), F.S. This rule also explains how the required information is to be provided to the Office and sets forth penalties for failure to comply with that section and this rule.

(2) The word "applicable premium" as used in this rule means all direct premiums for all lines of property and casualty lines of business in this state, except for the following lines of business as set forth in Section 215.555(6)(b), F.S.:

- (a) Federal Flood;
 - (b) Medical Malpractice;
 - (c) Group Accident & Health;
 - (d) Credit A&H (group and individual);
 - (e) Collectively Renewable A&H;
 - (f) Non-Cancelable A&H;
 - (g) Guaranteed Renewable A&H;
 - (h) Non-Renewable for Stated Reasons Only;
 - (i) Other Accident Only;
 - (j) All Other A&H;
 - (k) Federal Employees Health Benefits Program Premium;
- and
- (l) Workers' Compensation.

(3) All authorized insurers collecting applicable premium shall report to the Office the following information:

- (a) Company Name;
- (b) NAIC Company Code (NAIC cocode);
- (c) Florida Company Code (FL cocode);
- (d) Company contact information;
- (e) Federal Employer Identification Number (FEIN);
- (f) On a Current Year to Date basis, applicable premium written;
- (g) On a reporting period basis (current quarter only), applicable premium written;
- (h) Total FHCF Assessment Due Current Year to Date;
- (i) Assessments Not Collected from Policyholders Current Year to Date;
- (j) Quarterly Payments Made – 1st Calendar Quarter;
- (k) Quarterly Payments Made – 2nd Calendar Quarter;
- (l) Quarterly Payments Made – 3rd Calendar Quarter;
- (m) Quarterly Payments Made – 4th Calendar Quarter; and
- (n) A scanned document showing confirmation of the monies being deposited into the account designated by the FHCF ("payment confirmation document"). The description provided for the wire transfer must include the following information:

- (i) NAIC cocode;
- (ii) Quarter Number; and
- (iii) Date of Payment.

(4) The reporting required by this rule shall be accomplished electronically through the Office's web page found at www.floir.com. The form by which this is to be accomplished is Form OIR-A1-1688, Florida Catastrophe Fund Assessment Reporting Form (06/2006), which is incorporated herein by reference.

(5) The reporting shall be submitted to the Office on the due dates specified in the Order that will be issued by the Office levying the emergency assessment.

(6) When there is a duty to report applicable premium, each of the following is a violation of Section 215.555(6)(b), F.S., and this rule:

- (a) Not reporting;
- (b) Reporting on or before the specified due dates but not providing all required information and documentation;
- (c) Reporting after the due dates;
- (d) Not remitting the collected assessments to the account specified in the Order issued by the Office; and
- (e) Remitting less than the calculated assessment (the calculated assessment shall take into account the assessments not collected from policyholders).

(7) Violations as set forth in subsection (6) may result in one or more of the following, as appropriate:

- (a) An administrative fine, as set forth in Section 624.4211, Florida Statutes;

(b) Administrative costs charged to the entity for any action taken by the Office in response to noncompliance;

(c) Interest in the amount specified and levied by the Florida Hurricane Catastrophe Fund, Rule 19-8-013, Florida Administrative Code, for late payments;

(d) If information is initially submitted incorrect or incomplete, the company may be levied an administrative fine as set forth in Section 624.4211, Florida Statutes, notwithstanding a subsequent complete and accurate submission made prior to the reporting due date;

(e) An audit of company records relating the assessment;

(f) An examination being performed at the entity's expense to gather and report the required data; and

(g) Other administrative actions as allowed by statute.

(8) The penalties detailed in subsection (7) above will not be levied on a per policy basis.

Specific Authority 624.308(1), 624.4211, 215.555(6)(b) FS. Law Implemented 215.555(6)(b), 624.4211 FS. History—New .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-13 Mosquito Control Program Administration

RULE NO.: RULE TITLE:
5E-13.032 Program Directors, Employment and Classification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-13.032 Program Directors, Employment and Classification.

(1) through (2) No change.

(3) Commissioners shall forward to the department their recommendation for the new director, along with that individual's written application, to obtain written confirmation of eligibility from ~~together with the individual's written application, for employment as mosquito control program director~~ of the department, pursuant to subsection 5E-13.032(4), F.A.C. ~~the applicant can be employed following passing an examination as required in subsection 5E-13.032(5), F.A.C.~~

(4) through (6) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Clauson, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL. 32301, telephone: (850)922-7011

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-8.0095 Personnel

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 12, March 24, 2006 issue of the Florida Administrative Weekly.

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

Paragraph (2)(b),(e) of the above proposed rule was inadvertently underlined in the Notice of Proposed Rulemaking and should have been struck through.

59A-8.0095 Personnel.

(2) Director of Nursing.

(b) If the administrator is not a physician or registered nurse, the director of nursing shall:

1. Establish service policies and procedures in compliance with ~~Chapter subsections 64E-16.001(4), (5), F.A.C.,~~ and state health statutes and administrative rules pursuant to Section 381.0011(4), F.S., which generally conform to recommended