

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF STATE

##### Division of Historical Resources

RULE NO.: 1A-37.001  
RULE TITLE: Use or Rental of Mission San Luis Facilities

PURPOSE AND EFFECT: The purpose is to establish fees and rental guidelines for the use and rental of Mission San Luis Facilities.

SUBJECT AREA TO BE ADDRESSED: Rules regarding the use and rental of Mission San Luis Facilities.

SPECIFIC AUTHORITY: 267.17 FS.

LAW IMPLEMENTED: 267.17(2)(b) FS.

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

DATE AND TIME: Monday, May 1, 2006, 9:00 a.m.

PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 1A-37.001 Use and Rental of Mission San Luis Facilities.

(1) Pursuant to Section 267.17, F.S., the grounds and buildings of Mission San Luis (Mission) may be made available through an agreement with the Friends of Mission San Luis, Inc. (FOMSL).

(a) The Mission welcomes site uses or rentals that are appropriate and consistent with the seventeenth-century setting at this historic property. The use of the Mission grounds or the rental of Mission facilities should advance public knowledge and appreciation of the site.

(b) Mission San Luis is a National Historic Landmark and an important archaeological site. No digging or ground disturbance of any kind is permitted. Events shall not permanently alter the site with equipment or decorations.

(c) Historical Reconstructions at the Mission, including the church, council house, Spanish house, friary, kitchen, and any future reconstructions are designated as museum exhibits. The archaeological sensitivity and historical integrity of these buildings must be maintained at all times.

(d) The entire site is a non-smoking area.

(e) Food and beverages may be permitted in site facilities with proper approval.

(f) The sale of alcoholic beverages is prohibited on the site, however, alcoholic beverages may be served free of charge at planned events.

(g) Except for designated parking areas, no vehicles are permitted on the site grounds without proper approval. Service roads may be used for unloading or loading, but vehicles must be parked in visitor parking areas or other areas designated for special events.

(2)(a) Visitors to the Mission may, without application or cost, use designated areas of the site for picnics and programs during the Mission's normal operating hours posted on site.

(b) No fires or cooking of any kind is permitted by visitors.

(3) Applicants may rent site facilities for planned events.

(a) The Education Building may be made available for private meetings for up to 50 persons during or after normal operating hours.

(b) The Historic Reconstructions may be made available for rental during and after normal operating hours. Any scheduled event taking place during normal operating hours shall be open to the public and the event must not interfere with other visitors' enjoyment of the site.

(4) Any person desiring to obtain approval for the rental of a Mission San Luis facility shall submit the Application for the Rental of a Mission San Luis Facility Form, Form ####, Effective #####, prescribed by the Department of State, Division of Historical Resources. The form is incorporated by reference herein and is available from the Mission San Luis Visitor Center.

(5) Unless otherwise specified, application and approval for the rental of a Historic Reconstruction facility is for a single event not to exceed one day. The application and approval for the rental of the Education Building is for a single event not to exceed four hours. An Education Building event that exceeds four hours will be subject to an additional four hour fee.

(a) Facilities must be used in a manner consistent with the Legislature's intent to preserve the historic nature and dignity of state properties as enunciated in Sections 267.061 and 267.14, F.S. Events that do not uphold or that interfere with the historic nature of the Mission shall not be approved. An approved event that the Mission subsequently determines does not uphold or that interferes with the historic nature of the Mission shall be cancelled.

(6) Applications and supporting documents shall be filed with the Director, Mission San Luis, 2021 Mission Road, Tallahassee, Florida 32304, no less than sixty (60) days in advance of the planned event.

(7) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Facility" shall be defined as any structure, building, or open area that the Mission opens for rental use.

(b) "Site" refers to the entire grounds and facilities of the Mission.

(8) Rental fees for specific facilities are listed on Form ####. An initial deposit of fifty (50) percent of the listed fee is required at least forty (45) days prior to the date of the event. The remaining fifty (50) percent is due the day of the event. Cancellation of an event more than thirty (30) days prior to the scheduled date is without penalty and the Mission will return the deposit. Persons canceling an event less than thirty (30) days prior to the scheduled date will be responsible for one hundred (100) percent of the fee.

(a) Rental fees only include the rental of the facilities. Additional fees will apply if:

1. The event requires the use of the Mission's audio-visual equipment; or

2. If the event requires special staffing, set-up, and clean-up; or

3. If the scheduled event takes place after normal hours.

4. The fee for the use of Mission personnel will be at a rate of ten (10) dollars per hour per Mission employee. The number of Mission employees will be determined prior to event approval and will be based on size and nature of the event.

(b) With the exception of the tables and chairs provided with the rental of the Education Building and the outdoor picnic benches, the Mission does not supply tables, chairs or tents. Applicants are responsible for providing all equipment needed for an event. All equipment must be approved for use at an event. Tents which require stakes to be driven into the ground are prohibited.

(c) An agency, as defined by Sections 120.52(1) and (2), F.S., but not including Section 120.52(1)(b)8., F.S., authorized staff members of that agency, FOMSL, and contributors to FOMSL may use the facilities free of charge for official agency functions or official FOMSL business; but must comply with all other facility rental requirements. Events by the abovementioned parties, not in the course of official FOSML business or an official agency function are permitted, free of charge, but require prior approval.

Specific Authority 267.17 FS. Law Implemented 267.13(b) FS. History-New.

## DEPARTMENT OF STATE

### Division of Library and Information Services

RULE NO.: RULE TITLE:

1B-11.004 Use of Archives

PURPOSE AND EFFECT: The purpose of this change is to establish new hours for the use of the Archives.

SUBJECT AREA TO BE ADDRESSED: Rules regarding the Use of Archives.

SPECIFIC AUTHORITY: 257.14, 257.35(7) FS.

LAW IMPLEMENTED: 257.35(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerard Clark, Program Manager, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6639

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1B-11.004 Use of Archives.

(1) No change.

(2) Location of records and hours of opening:

(a) No change.

(b) Except for holidays and at other such times as specified in writing by the Director and posted on the Division's website and posted by the State Archivist the archives and donated historical materials are available for use from 9:00 a.m. to 4:30 p.m. 8:00 a.m. to 5:00 p.m., Monday through Friday. Records may be made available at other times as authorized by the Director State Archivist.

(3) through (5) No change.

Specific Authority 257.14, 257.35(7) FS. Law Implemented 257.35(1) FS. History-New 4-11-76, Amended 9-6-78, 9-15-82, Formerly 1A-11.04, 1A-11.004, Amended.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-1.016 Commercial Values for Penalty Assessments

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUBJECT AREA TO BE ADDRESSED: Rule 5E-1.016, F.A.C., updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2),(7), 576.061, 576.071, 576.181 FS.

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

DATE AND TIME: May 8, 2006, 8:00 a.m.

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Green Markets Publication (effective 3/27/06), Chemical Market Reporter Publication (effective 8-13-01) which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Green Markets, 1010 Wayne Avenue, Suite 1400, Silver Spring, MD 20910 USA. Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

#### (1) PRIMARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (Per unit*)	
Total Nitrogen	N	<u>\$8.14</u>	<del>5.49</del>
Nitrate Nitrogen	N	<u>7.80</u>	<del>5.39</del>
Ammoniacal Nitrogen	N	<u>6.32</u>	<del>4.60</del>
Water Soluble or			
Urea Nitrogen	N	<u>5.17</u>	<del>4.81</del>
Slow Release Nitrogen			
(from other SRN sources)	N	<u>13.48</u>	<del>4.48</del>
Water Insoluble Nitrogen	N	<u>13.29</u>	<del>12.32</del>
Available Phosphorus	P <sub>2</sub> O <sub>5</sub>	<u>4.90</u>	<del>3.55</del>
Slow Release Phosphate	P <sub>2</sub> O <sub>5</sub>	19.10	19.10
Potassium (from Muriate)	K <sub>2</sub> O	<u>3.00</u>	<del>2.21</del>
Slow Release Potassium	K <sub>2</sub> O	<u>14.78</u>	<del>15.04</del>
Potassium (from any source other than Muriate or a combination of sources)	K <sub>2</sub> O	<u>6.74</u>	<del>4.31</del>

#### (2) SECONDARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (per unit*)	
Total and water Soluble			
Magnesium (from any source)	Mg	\$6.53	\$6.53
Manganese (from sulfate)	Mn	<u>19.78</u>	<del>15.89</del>
Manganese (from Sucrate)	Mn	<u>16.44</u>	<del>11.25</del>
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	<u>9.35</u>	<del>6.27</del>
Manganese (from chelate in group 1**)	Mn	215.50	215.50
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	<u>62.03</u>	<del>36.52</del>
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	19.25	19.25

Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	<u>21.68</u>	<del>17.94</del>
Zinc (from sucate)	Zn	14.20	14.20
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	<u>12.98</u>	<del>9.92</del>
Zinc (from chelate in group 1**)	Zn	188.00	188.00
Zinc (from chelate in group 2**)	Zn	65.00	65.00
Iron (from sulfate)	Fe	<u>14.51</u>	<del>12.88</del>
Iron (from sucate)	Fe	<u>8.67</u>	<del>6.18</del>
Iron (from humate)	Fe	16.11	16.11
Iron (from oxide)	Fe	<u>4.94</u>	<del>3.88</del>
Iron (from chelate in group 1**)	Fe	<u>248.67</u>	<del>244.96</del>
Iron (from chelate in group 2**)	Fe	82.00	82.00
Aluminum	Al	14.42	14.42
Sulfur (free)	S	<u>3.50</u>	<del>2.55</del>
Sulfur (combined)	S	<u>2.27</u>	<del>2.21</del>
Boron	B	<u>38.95</u>	<del>33.74</del>
Molybdenum	Mo	<u>222.22</u>	<del>198.80</del>
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	<u>.79</u>	<del>.71</del>

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	MgCO <sub>3</sub>	.18	.18
Calcium	CaCO <sub>3</sub>	.09	.09

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO <sub>4</sub>	.30	.30
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\*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

\*\*Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS. History—New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98.

## DEPARTMENT OF COMMUNITY AFFAIRS

### Florida Building Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-3 Florida Building Commission –  
Operational Procedures

RULE NO.: RULE TITLE:  
9B-3.047 State Building Code Adopted

PURPOSE AND EFFECT: Consideration of proposed annual amendments to the 2004 edition of the Florida Building Code.

**SUBJECT AREA TO BE ADDRESSED:** The Florida Building Code.

**SPECIFIC AUTHORITY:** 553.73(1), (2), (7) FS.

**LAW IMPLEMENTED:** 553.72, 553.73(2), (3), (7), (9) FS.

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

**DATES AND TIME:** May 2-3, 2006, commencing at or about 1:00 p.m. on May 2, and continuing until all proposals have been considered. Please refer to Florida Building Commission website at [www.floridabuilding.org](http://www.floridabuilding.org) for meeting agenda with specific times and additional materials.

**PLACE:** 12205 South Apopka-Vineland Road, Orlando, Florida 32836

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247 at least seven days prior to the date of the workshop using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12B-7.0225	Computation of Phosphate Rock Tax Rate

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12B-7.0225, F.A.C., is to put the public on notice regarding the change in methodology for calculating the annual base rate adjustment to the phosphate rock tax rate for the year 2006 and the proposed new index to be used by the Department for calculating the tax rate adjustments for the year 2007 and thereafter.

Section 211.3103, F.S., requires an annual adjustment to the base price of \$1.62 by the change in the producer price index for phosphate rock primary products. Section 211.3103(9)(e), F.S., required the Department to select a "comparable index," if that index was discontinued. The original producer price index was discontinued. The Producer Price Index program changed its basis for industry classification from the 1987 Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS). As a result, the Chemical and Fertilizer Mineral Mining Index, Commodity Code 147, was discontinued by the U.S. Department of Labor, Bureau of Labor Statistics, and it became

necessary for the Department of Revenue to select a commodity index to replace that index. The Chemical Fertilizer Mineral Mining Index, Commodity Code 147, has since been renamed and renumbered as Other Nonmetallic Mineral Mining and Quarrying. As a consequence, the Bureau of Labor Statistics (BLS) has revised its numbering system as (BLS series: PCU 21239). Within this new series is a specific index for phosphate rock (BLS Series ID 212392).

When in effect, this rule will provide that the Department: (1) will calculate the 2006 phosphate tax rate using the change in the phosphate rock prices published by the U.S. Geological Survey; and (2) use NAICS Code 212392, Phosphate Rock, for purposes of accessing the Producer Price Index Industry Data from the BLS, beginning with the year 2007 and thereafter for purposes of calculating the annual base rate adjustment to the phosphate rock tax rate.

The Department's current rule had selected a producer price index for chemical and fertilizer mineral mining comparable to the discontinued index and used it to calculate the annual phosphate rock base rate adjustment. As long as the three subcategories in that comparable index (Potash, Phosphate Rock, and Other Chemical Mining) changed more or less similarly, the use of that price index was entirely appropriate. However, data obtained from the U.S. Geological Survey indicates that the price for potash has almost doubled in the last three years; the price for phosphate rock has remained relatively stable, increasing by 1.5 percent over the same three-year period. As a result, the currently published tax rate increased from \$1.67 for 2005 to \$1.82 for 2006; an increase of almost 10%. Thus, the price index currently used by the Department is no longer a comparable index to be used in the calculation of the annual phosphate rock base rate adjustment.

Section 211.3103(9)(d), F.S., provides that if the price index for chemical and fertilizer mineral mining is substantially changed, the Department is required to make appropriate adjustments in the method used to compute the base rate adjustment that will produce results reasonably consistent with the producer price index for phosphate rock as if it had not been revised. Because the price index currently used by the Department does not produce results substantially consistent with the unrevised index, it is necessary for the Department to make the required adjustments in computation of the base rate adjustment.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the proposed changes to Rule 12B-7.0225, F.A.C., regarding the Department's change in methodology for calculating the annual base rate adjustment to the phosphate rock tax rate for the year 2006 and the index that will be used by the Department to calculate the base rate adjustments for the year 2007 and thereafter.

**SPECIFIC AUTHORITY:** 211.3103(9)(e), 213.06(1) FS.

**LAW IMPLEMENTED:** 211.3103 FS.

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

DATE AND TIME: May 9, 2006, 2:00 p.m.

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 12B-7.0225 Computation of Phosphate Rock Tax Rate.

The U.S. Bureau of Labor Statistics Producer Price Index North American Industry Classification System (NAICS) National Code 212392, Phosphate Rock, Commodity Code 147, Chemical and Fertilizer Mineral Mining, is hereby adopted by reference for the purpose of calculating the annual base rate adjustment to the phosphate rock tax rate, beginning with the year 2007 and annually thereafter. For the purpose of implementing the provisions Section 211.3103(9), F.S., the method used to compute the tax rate for the year 2006 will be the percentage change in phosphate rock prices as published by the U.S. Geological Survey, from 2004 to 2005, times the 2005 tax rate for phosphate rock as published by the Department.

Specific Authority 211.3103(9)(c)(6)(e), 213.06(1) FS. Law Implemented 211.3103 FS. History—New 6-28-00, Amended.

#### 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."

#### DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.502 Discharge Gratuities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow for payment of a discharge gratuity to inmates not otherwise eligible when such payment is in the

best interest of the inmate and the state, and to increase the amount of the gratuity paid to inmates reinstated or restored to supervision.

SUBJECT AREA TO BE ADDRESSED: Inmate discharge gratuities.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 33-601.502 Discharge Gratuities.

(1) The secretary shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections in such amounts as the Legislature may from time to time provide. A discharge gratuity shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) through (b) No change.

(c) Any inmate to be released to the Department of Children and Family Services or a state or county mental health facility under an order for involuntary commitment; or.

(d)(2) Should a review of inmate bank trust fund records disclose that an inmate has an account balance of \$100 or more at the time of release or has previously had maintained an account balance of \$100 or more at any time and transferred funds out of his account during the 180 days prior to his release date, the inmate shall be denied a discharge gratuity, except as provided in subsection (2) below.

(2) If the warden or his designee determines that the best interests of the inmate and the state is served by the payment of a discharge gratuity to an inmate not otherwise eligible, a gratuity not to exceed \$40.00 shall be provided.

(3) In the case of an inmate who is reinstated or restored to supervision, a discharge gratuity in an amount of \$20.00 ~~\$15.00~~ will be provided.

(4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, 2-10-04, 9-21-05, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS****Aging and Assisted Living Programs**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
58A-14	Adult Family Care Home
RULE NOS.:	RULE TITLES:
58A-14.003	License Application, Renewal and Conditional Licenses
58A-14.008	Staff Qualifications, Responsibilities and Training
58A-14.0085	Records
58A-14.0091	Fire Safety Standards and Emergency Procedures

**PURPOSE AND EFFECT:** The proposed rule amendments were developed in consultation with the Agency for Health Care Administration (AHCA). The proposed amendment to Rule 58A-14.003, F.A.C., revises and clarifies where to obtain the Adult Family Care Home (AFCH) License application, AHCA Form 3180-1022, dated January 2006, which is incorporated by reference in the rule. Language is added to require AFCH providers to submit copies of their annual fire safety and sanitation inspection reports to AHCA and lists the remedies for failure to comply with this requirement. The proposed amendment to Rule 58A-14.008, F.A.C., deletes the requirement that AFCH providers attend update training for any portion of the basic course that has been updated as the result of new legislation or rule amendment. The proposed amendment to Rule 58A-14.0085, F.A.C., requires all AFCH providers to maintain a record of each fire exit drill on Form D14-1437 pursuant to Rule 69A-57.006, F.A.C. The proposed amendment to Rule 58A-14.0091, F.A.C., deletes obsolete references and updates the rule to require that each AFCH provider shall be subject to Chapter 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes, F.A.C. Additionally, the amendment to Rule 58A-14.0091, F.A.C., outlines the AFCH provider's responsibility for providing information to a resident's essential medical service providers during and after a declared disaster or emergency.

**SUBJECT AREA TO BE ADDRESSED:** License application, renewal, and conditional licenses; staff qualifications, responsibilities, and training; records; and fire safety standards and emergency procedures for AFCH providers.

**SPECIFIC AUTHORITY:** 400.619, 400.621, 400.6211, 400.625 FS.

**LAW IMPLEMENTED:** 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.625, 400.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, e-mail address: [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family care home shall file an Adult Family Care Home License application, AHCA Form 3180-1022, ~~January 2006~~ August 2003, which is incorporated by reference; ~~and may be obtained from~~ with the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5402, Phone (850)487-2515. The completed application must be signed by the applicant, notarized, and submitted to the Assisted Living Unit at the address cited above. The application shall be accompanied by the following:

1. A completed ~~Request for~~ Level 1 Criminal History ~~Request Screening~~, AHCA Form 3110-0002, ~~July 2005~~ January 2003 ~~for the applicant, each relief person, all adult household members, and all staff;~~ The form which is incorporated by reference and, available from the Background Screening Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5402, Phone (850)410-3400, for the applicant, each relief person, all adult household members, and all staff. A check or money order must be submitted to cover the cost of each criminal history request. The completed form and screening fee will not be required for persons who comply with the requirements pursuant to Section 400.619(4)(a),(b), F.S.:

~~a. Submit proof of Level I screening conducted within the last 5 years pursuant to a facility or professional license requirement of AHCA or the Department of Health and provide a copy of the professional or facility license, and an affidavit of current compliance with the background screening requirements of Section 435.03, F.S.; or~~

~~b. Have been continuously employed in the same type of occupation for which the person is seeking employment without a break in service that exceeds 180 days, and can provide proof that level 1 background screening has been conducted within the last 2 years. Proof of compliance must be obtained by the applicant from the person's previous employer and not from the person.~~

2. through 6. No change.

~~7. Documentation of radon testing as mandated by Section 404.056(5), F.S.~~

8. through 9. renumbered 7. through 8. No change.

(b) through (d) No change.



## (2) LICENSE RENEWAL.

(a) The agency shall annually provide an aApplication forms for license renewal, AHCA Form 3180-1022, January 2006, either shall be provided electronically or by mail delivery, annually by the agency to the AFCH providers at least 120 days prior to the expiration of the current license. The provider shall mail or hand-deliver the license renewal application to the agency at the address cited in paragraph (1)(a) of this rule a minimum of 90 days prior to the expiration date appearing on the currently held license.

(b) In addition to AHCA Form 3180-1022, all applicants for license renewal shall provide the following:

1. Documentation of a satisfactory sanitation inspection as required under Rule 58A-14.009, F.A.C. Documentation of a satisfactory sanitation inspection shall be provided at the time of the agency's annual survey. In addition, a copy of the annual sanitation inspection report shall be submitted no later than 30 calendar days after the date of the inspection to the Assisted Living Unit at the address cited in paragraph (1)(a) of this rule. Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 400.6194 and 400.6196, F.S., and Rule 58A-14.010, F.A.C.

2. Documentation of a satisfactory fire safety inspection as required under Rule 58A-14.0091, F.A.C. Documentation of a satisfactory fire safety inspection shall be provided at the time of the agency's annual survey. In addition, a copy of the annual fire safety inspection report shall be submitted no later than 30 calendar days after the date of the inspection to the Assisted Living Unit at the address cited in paragraph (1)(a) of this rule. Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 400.6194 and 400.6196, F.S., and Rule 58A-14.010, F.A.C.

3. No change.

(c) No change.

(3) through (4) No change.

Specific Authority 400.619, 400.621, 400.6194, 400.6196 FS. Law Implemented 400.619, 400.621, 400.6194, 400.6196 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, 1-1-04,\_\_\_\_\_.

58A-14.008 Staff Qualifications, Responsibilities and Training.

## (1) MINIMUM STAFF REQUIREMENTS.

(a) No change.

(b) The provider, all staff, each relief person, and all adult household members must meet Level 1 background screening requirements established in Section 435.03, F.S., or have been exempted from disqualification as provided in Section 435.07, F.S. The provider must submit a completed AHCA Forms 3110-0002 ~~and 3110-0003~~, or other evidence of compliance as provided in Section 400.619, F.S., and Rule 58A-14.003, F.A.C., for any staff, relief persons, or adult household

members not screened at the time of initial license application pursuant to the screening schedule provided in Section 435.05, F.S.

(c) No change.

(2) through (3) No change.

## (4) TRAINING.

(a) through (b) No change.

~~(c) AFCH providers must attend update training for any portion of the basic course which has been updated as the result of new legislation or rule amendments.~~

(d) through (f) renumbered (c) through (e) No change.

Specific Authority 400.619, 400.621, 400.6211 FS. Law Implemented 400.619, 400.621, 400.6211 FS. History—New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, 1-1-04,\_\_\_\_\_.

58A-14.0085 Records.

## (1) RESIDENT RECORDS.

(a) The record shall, at a minimum, contain:

1. through 2. No change.

3. For residents who are OSS recipients, a copy of the Alternate Care Certification for Optional State Supplementation (OSS) Form, CF-ES 1006, February 2005 ~~March 1998~~, provided by the Department of Children and Family Services.

4. through 13. No change.

(b) No change.

(2) No change.

(3) FACILITY RECORDS. The AFCH provider shall maintain the following records on the premises and ensure the records are available for inspection by the agency:

(a) through (h) No change.

(i) The facility shall maintain a record of each fire exit drill on Form DI4-1437, revised 1/2001, Fire Exit Drill Records for Adult Family Care Homes as set forth in subsections 69A-57.006(6) and (7), F.A.C.

Specific Authority 400.619, 400.621, 400.6211, 400.625 FS. Law Implemented 400.619, 400.621, 400.6211, 400.625, 400.628 FS. History—New 6-6-99, Amended\_\_\_\_\_.

58A-14.0091 Fire Safety Standards and Emergency Procedures.

## (1) FIRE SAFETY STANDARDS.

(a) Each adult family-care home shall be subject to the requirements of Rule Chapter 69A-57, Uniform Fire Safety Standards for Adult Family Care Homes, F.A.C.; Chapter 21, Section 22-3.3.5.3 of Chapter 22, Sections 23-2.2.1 and 23-2.3.4.3 of Chapter 23, and Sections 31-7.1, 31-7.2, and 31-7.3 of Chapter 31 of the National Fire Protection Association Life Safety Code, NFPA 101, 1994 edition, which is adopted by reference.

(b) No change.

## (2) EMERGENCY PROCEDURES.

(a) through (b) No change.

(c) Emergency telephone numbers shall be present by a designated telephone and include the following:

1. through 7. No change.
8. AHCA's Field Area Office; and
9. The Relief Person; and
10. Providers of essential medical services.

(d) In the event of a declared disaster or emergency, the AFCH provider shall make available all necessary information regarding a resident's location to essential medical service providers, both during and after the disaster or emergency.

Specific Authority 400.619, 400.621 FS. Law Implemented 400.619, 400.621 FS. History—New 9-19-96, Amended 6-6-99,\_\_\_\_\_

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.: 59G-4.055  
 RULE TITLE: County Health Department Clinic Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, March 2006. The revised handbook contains updated policies for the services that are provided by county health department clinics. The effect will be to incorporate by reference in the rule the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, March 2006

SUBJECT AREA TO BE ADDRESSED: County Health Department Clinic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, May 1, 2006, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, March 2006 ~~October 2003~~, incorporated by reference, and the Florida Medicaid

Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent.~~ Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, 11-17-03,\_\_\_\_\_.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.: 59G-4.100  
 RULE TITLE: Federally Qualified Health Center Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, March 2006. The revised handbook contains updated policies for the services that are provided by Federally Qualified Health Centers. The effect will be to incorporate by reference in the rule the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, March 2006.

SUBJECT AREA TO BE ADDRESSED: Federally Qualified Health Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, May 1, 2006, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, March 2006 ~~October 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule



59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01, 11-17-03.

## DEPARTMENT OF MANAGEMENT SERVICES

### Agency for Workforce Innovation

RULE NO.: 60BB-2.031  
 RULE TITLE: Succession and Transfer of Unemployment Experience

PURPOSE AND EFFECT: The current Rule 60BB-2.031, F.A.C., is being amended to clarify the process, forms, and requirements for transfer of employment experience. The revised rule will also implement Section 443.131(3)(g), Florida Statutes, regarding common ownership, management, or control between predecessor and successor employers and transfers for the sole or primary purpose of obtaining a reduced liability for contributions.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Tax.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.131(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John R. Perry, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

## DEPARTMENT OF MANAGEMENT SERVICES

### Division of Administrative Hearings

RULE CHAPTER NO.: 60Q-6  
 RULE CHAPTER TITLE: Workers' Compensation Adjudications

PURPOSE AND EFFECT: Procedural rules for workers' compensation claims resolution were implemented on February 23, 2003, pursuant to the mandate in Section 440.45, Florida Statutes, that the Division of Administrative Hearings adopt procedural rules. Since Sections 440.015 and 440.44(2), Florida Statutes, require that the workers' compensation system be efficient and self-executing and that the Division of

Administrative Hearings assume an active and forceful role in achieving that goal, it is necessary to amend the existing rules to conform with subsequent statutory changes and to incorporate changes that will improve the adjudicatory process based upon experience in utilizing the existing rules.

SUBJECT AREA TO BE ADDRESSED: Procedural rules applicable to workers' compensation adjudications before the judges of compensation claims.

SPECIFIC AUTHORITY: 61.14(8)(a), 440.015, 440.25(4)(g), (4)(h), 440.44(2), 440.45(1), (4) FS.

LAW IMPLEMENTED: Chapter 440, 61.14(8)(a), 440.192, 440.20, 440.25, 440.29, 440.33, 440.34, 440.44, 440.45(1), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda M. Rigot, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399, telephone (850)488-9675

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR THROUGH THE INTERNET AT: [www.doah.state.fl.us](http://www.doah.state.fl.us) or [www.jcc.state.fl.us](http://www.jcc.state.fl.us).

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Commission

RULE NO.: 61J2-3.009  
 RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associate Licensees

PURPOSE AND EFFECT: The Board proposes to review the rule for any necessary changes.

SUBJECT AREA TO BE ADDRESSED: Continuing education for active and inactive broker and sales associate licensees.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d), (e), (2), 475.05, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Florida Real Estate Commission**

RULE NO.: RULE TITLE:

61J2-10.028 Kickbacks or Rebates

PURPOSE AND EFFECT: The Board proposes to review the rule for any necessary changes.

SUBJECT AREA TO BE ADDRESSED: Kickbacks or Rebates.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(b), (d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Florida Real Estate Commission**

RULE NO.: RULE TITLE:

61J2-24.006 Probation

PURPOSE AND EFFECT: The Board proposes to review the rule for any necessary changes.

SUBJECT AREA TO BE ADDRESSED: Probation.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.227, 475.25 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

## **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 Chiropractic Medicine**

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

## **DEPARTMENT OF HEALTH**

### **Board of Opticianry**

RULE NO.: RULE TITLE:

64B12-16.003 Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes amending the rule for the additional requirement of an Apprentice/Sponsor Orientation Course.

SUBJECT AREA TO BE ADDRESSED: Apprentice/Sponsor Orientation Course.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours.

(a) An apprentice is required to obtain two of the required hours by completing an Apprentice/Sponsor Orientation Course and submitting the original certificate of attendance to the board office within one year of registration with the Department.

(b) Each sponsor is encouraged to attend one Apprentice/Sponsor Orientation course at least once every four years. These hours would count toward their continuing education requirement for laws and rules.

(5) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History—New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, \_\_\_\_\_.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Risk Management

RULE NO.:	RULE TITLE:
69H-1.003	Certificate and Other Forms Adopted

PURPOSE AND EFFECT: The Certificate of Proof of Loss form is being updated by deleting a reference that requires the agency to use claim funds payments solely for the purposes identified in the claim summary.

SUBJECT AREA TO BE ADDRESSED: Certificate of Proof of Loss form for property damage sustained by state agencies.

SPECIFIC AUTHORITY: 284.17 FS.

LAW IMPLEMENTED: 255.03(1), 284.01 FS.

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

DATE AND TIME: Tuesday, May 2, 2006, 9:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-1.003 Certificate and Other Forms Adopted.

(1) through (7) No change.

(8) Form DFS-D014 856, Certificate of Proof of Loss, rev. 11/05 ~~6/00~~.

(9) through (11) No change.

Specific Authority 284.17 FS. Law Implemented 255.03(1), 284.01 FS. History—New 7-29-72, Formerly 4-29.04, 4-29.004, Amended 1-7-92, 10-3-94, 12-27-95, 6-21-01, Formerly 4H-1.003, Amended \_\_\_\_\_.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Risk Management

RULE NO.:	RULE TITLE:
69H-2.003	Premium Assessments

PURPOSE AND EFFECT: The amendment updates statutory citations and requirements for forms used in premium assessments by the Division of Risk Management.

SUBJECT AREA TO BE ADDRESSED: Premium assessments by the Division of Risk Management.

SPECIFIC AUTHORITY: 284.39 FS.

LAW IMPLEMENTED: 284.36 FS.

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

DATE AND TIME: Tuesday, May 2, 2006, 9:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-2.003 Premium Assessments.

(1) through (2) No change.

(3) Prior to July 1 of each budget year the Division of Risk Management will send the appropriate exposure base inquiry form to each insured agency to determine risk exposure. These forms are hereby adopted and incorporated by reference. Each agency shall complete the form and return it to the Division within 30 days.

(a) DI4-861, "Exposure Base Inquiry", rev. 6/00.

(b) ~~DFS-D014-1392~~, "Statutory EBI Agency For Workforce Innovation Community Service Participants", Section 445.025(1)(d), F.S., and Section 445.024(1)(e), F.S., FY 2006-2007", rev. 11/05 3/01.

(c) ~~DFS-D014-1393~~, "Statutory EBI Department of Juvenile Justice, Sections ~~985.21(4)(a)2; 985.231(1)(a) and 985.231(1)(g)~~, F.S., FY 2006-2007", rev. 11/05 3/01.

(d) ~~DFS-D014-1394~~, "Statutory EBI Department of Juvenile Justice, Section 768.28(11), F.S., FY 2006-2007", rev. 11/05 6/00.

(e) ~~DFS-D014-1395~~, "Statutory EBI Department of Health, Section 768.28(10)(c), F.S., FY 2006-2007", rev. 11/05 6/00.

(f) ~~DFS-D014-1396(A)~~, "Statutory EBI Department of Health, Section 766.1115, F.S., FY 2006-2007", rev. 6/00.

(g) ~~DFS-D0-1396(B)~~, "Statutory EBI Department of Health, Section 381.0302, F.S., FY 2006-2007", rev. 11/05.

(h)(~~g~~) ~~DFS-D014-1397~~, "Statutory EBI Department of Corrections, Sections ~~948.01(2) and 948.036(1)(8)(a)~~, F.S., FY 2006-2007", rev. 11/05 3/01.

(i)(~~h~~) ~~DFS-D014-1398~~, "Statutory EBI Department of Corrections, Section 768.28(10)(a), F.S., FY 2006-2007", rev. 11/05 6/00.

(j)(~~i~~) DI4-1399, "Statutory EBI Community Service Participants, Section 569.11(4), F.S.", rev. 6/00.

(k)(~~j~~) DI4-1400, "Statutory EBI 01381 Children and Families, Section 409.175(14)(a), F.S.", rev. 6/00.

(l) ~~DFS-D0-1665~~, "Statutory EBI Department of Transportation, Section 768.28(10)(d), F.S., FY 2006-2007", rev. 11/05.

(m) ~~DFS-D0-1666~~, "Statutory EBI Agency For Persons With Disabilities, Section 393.075(1), F.S., FY 2006-2007", rev. 11/05.

(n) ~~DFS-D0-1667~~, "Statutory EBI Department of Transportation, Section 768.28(10)(e), F.S., FY 2006-2007", rev. 11/05.

(4) No change.

Specific Authority 284.39 FS. Law Implemented 284.36 FS. History-- New 7-29-72, Formerly 4-30.03, 4-30.003, Amended 1-7-92, 6-28-01, Formerly 4H-2.003, Amended.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Risk Management

RULE NO.:

RULE TITLE:

69H-2.004

Certificate of Coverage

PURPOSE AND EFFECT: The amended form DFS-D0-862, Certificate of Coverage for Court-Awarded Attorney Fees elaborates on insured's responsibility to the Division of Risk Management when claims are brought for attorney fees. The certificate clarifies conditions and lists consequences when insured's actions prejudice the ability of the Division of Risk Management to perform its mission. These changes also specify monetary coverage limits.

SUBJECT AREA TO BE ADDRESSED: Court-awarded attorney fees for insureds covered by the State Risk Management Trust Fund.

SPECIFIC AUTHORITY: 284.311, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.31 FS.

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

DATE AND TIME: Tuesday, May 2, 2006, 9:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-2.004 Certificate of Coverage.

(1) through (6) No change.

(7) Form ~~DFS-D014~~-862, "Court Awarded Attorney Fees Certificate of Coverage," rev. 11/05 ~~3/01~~, which is hereby adopted and incorporated by reference, will be used to provide coverage for court awarded attorney's fees in other proceedings against the agency named on the certificate.

(8) No change.

Specific Authority 284.311, 284.39 FS. Law Implemented 284.30, 284.31 FS. History—New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, Formerly 4H-2.004, Amended 5-4-05, \_\_\_\_\_.

## FINANCIAL SERVICES COMMISSION

### Office of Financial Regulation

RULE NO.:

RULE TITLE:

69V-560.303

Renewal Application Forms,  
Procedures and Requirements

**PURPOSE AND EFFECT:** The purpose of the proposed amendment to Rule 69V-560.303, F.A.C., is to repeal subsection (3) of the rule, which requires part II registrants under Chapter 560, Florida Statutes, to file unaudited financial statements in conjunction with applications to renew part II registrations. Part II of Chapter 560, F.S., relates to Payment Instruments and Funds Transmission under the Money Transmitters' Code. The requirement regarding unaudited financial statements, however, is in addition to a compliance requirement that requires these same registrants to file, annually, audited financial statements with the Office within 90-days of the registrants fiscal year end. Given the significant overlap in the regulatory purpose behind each requirement, the Office proposes to repeal the requirement regarding filing unaudited financial statements during the application renewal process. The repeal will relieve registrants of an unnecessary regulation and the fiscal impact of having to comply with both regulations. Technical corrections are also made.

**SUBJECT AREA TO BE ADDRESSED:** Renewal process for persons registered under Part II (Payment Instruments and Funds Transmission) of Chapter 560, F.S., (Money Transmitters' Code).

**SPECIFIC AUTHORITY:** 560.105 FS.

**LAW IMPLEMENTED:** 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

### THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.303 Renewal Application Forms, Procedures and Requirements.

(1) Applicants for renewal of registration must complete Form OFR-MT-6-01, Application to Renew Registration as a Money Transmitter, effective 10/01, which is hereby incorporated by reference. Copies of such forms can be obtained by request from the Office of Financial Regulation at the address specified in subsection ~~(4)(5)~~ below.

(2) The renewal application shall include any substantial changes that have occurred to registrant since its last application to the Office of Financial Regulation. These substantial changes include, but shall not be limited to, a change or an addition to an executive officer, director, principal, member, controlling shareholders, or responsible person/manager. A completed Biographical Form OFR-MT-7-01, shall be submitted for each new individual, and, in the case of a non-U.S. citizen, Addendum (1) to Form OFR-MT-7-01, shall be attached to the renewal application. The fingerprint cards required by subsection 69V-560.102(5), F.A.C., and the Biographical Form (Form OFR-MT-7-01) shall be submitted only for those person(s) who have not previously submitted such documents in connection with the registrant. Other changes, such as any new businesses acquired, change in address, change in name, material litigation, criminal convictions, etc., shall be reported, as required on the renewal form.

~~(3) Part II applicants shall file unaudited financial statements with their renewal application. A registrant may file its required annual audited financial statements together with the registrant's renewal application in lieu of the unaudited statements so long as the date of the audited financial statements is not more than 90 days prior to the submission date of the renewal application.~~

~~(3)(4)~~ If, as a result of subsection (1) above, a Biographical Form is required on any individual, the individual shall review and attest to the accuracy of the form.

~~(4)(5)(a)~~ An original of all parts of the application shall be filed, together with the appropriate filing fee as specified in Rule 69V-560.304 ~~69V-560.303~~, F.A.C., at the following address: Division of Securities and Finance, Office of Financial Regulation ~~of Banking and Finance~~, 200 ~~401~~ East Gaines Street, Tallahassee, Florida 32399-0376 ~~32399-0350~~.

(b) In lieu of filing the required forms, a registrant may renew its registration, locations, authorized vendors, and "Declaration of Intent to Engage in Deferred Presentment Transactions" electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website ([www.flofr.com/licensing](http://www.flofr.com/licensing)) (~~www.dbf.state.fl.us~~) on the Internet.

~~(5)(6)~~ Processing. Applications to renew registration as a money transmitter shall be processed, where applicable, pursuant to the provisions of Rules 69V-560.101 through 69V-560.108, F.A.C.

Specific Authority 560.105(3) FS. Law Implemented 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.303, Amended

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE NO.: 5B-2.010      RULE TITLE: Special Inspection and Certification Fees

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to raise the fees charged for samples taken for nematode certification from \$30.00 to \$50.00 per sample and fumigation services for loads exceeding 40 cu. ft. from \$300.00 to \$350.00. There would also be a new fee of \$50.00 plus mileage per inspection charged for follow-up quarantine inspections. The effect will enable the Department to recover the cost of providing the special inspection services associated with nematode certification and fumigations. It will also help to recover the costs of performing numerous inspections on regulated articles that were found to be infested with a plant pest and subsequently quarantined.

**SUMMARY:** This is an updated schedule of prescribed fees for special inspection and certification services provided by the division, when requested by farmers, growers or other interested parties. This includes, but not limited to special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities.

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

Any person who wishes to provide information regarding the statement of estimated regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 570.07(13), (23), 581.031(23) FS.

**LAW IMPLEMENTED:** 581.031(1), (4), (5), (6), (7), 581.083, 581.101, 581.131, 581.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 5B-2.010 Special Inspection and Certification Fees.

Special inspection and certification services that may be provided by the division, when requested by farmers, growers or other interested parties may include special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities not otherwise specifically provided for by Chapter 581, F.S. Governmental agencies requesting special inspections or permits for research purposes shall be exempt from fees. The prescribed fees for these special inspections and certifications shall be as follows:

Type of Certificate	Charge	Form
Inspection and state of origin certificate, Phytosanitary export certificate, Phytosanitary reexport certificate. <sup>2</sup>	Mileage <sup>1</sup> and \$50 minimum per inspection.	DACS-08014 <sup>3</sup> , Phytosanitary Export Certificate, Revised 3/05 10/99. DACS-08050 <sup>3</sup> , Inspection and State of Origin Certificate, Revised 7/99. DACS-08166 <sup>3</sup> , Attachment For State Phytosanitary Export Certificate, Revised 10/04 6/99.
Other special inspections. <sup>2</sup>	Mileage and \$50 minimum per inspection.	DACS-08211 <sup>3</sup> , Blueberry Certificate, Revised 8/99. DACS-08212 <sup>3</sup> , Apple Maggot Certificate, Revised 5/05 8/99. DACS-08046 <sup>3</sup> , Mamey Stamp, Revised 5/99. DACS-08213 <sup>3</sup> , Caribfly Fumigation Certificate, Revised 5/05 10/99. DACS-08240 <sup>3</sup> , Cold Treatment-California Caribbean Fruit Fly Quarantine, Revised 5/05 12/99. DACS-08221 <sup>3</sup> , California Hydrilla Quarantine, Revised 5/05 12/99. DACS-08260 <sup>3</sup> , Noxious Weed Certification, Revised 9/99.