

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**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.: 33-103.007                      RULE TITLE: 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.

**SUBJECT AREA TO BE ADDRESSED:** Approved inmate grievances.

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS., 45 C.F.R. Part 160, 164  
**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:** Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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, \_\_\_\_\_.

**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.

**SUBJECT AREA TO BE ADDRESSED:** Approved inmate grievances.

**SPECIFIC AUTHORITY:** 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:** Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

- 33-103.016 Follow Through on Approved Grievances.
- (1) through (f) 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. History—New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, \_\_\_\_\_.

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Sarasota National Community Development District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42EEE-1 Sarasota National Community Development District

RULE NOS.: RULE TITLES:

42EEE-1.001 Establishment

42EEE-1.002 Boundary

42EEE-1.003 Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Sarasota National Community Development District (“District”), pursuant to Chapter 190, F.S. The petition, as amended, filed by Tuscano, LLC, requests the Commission establish a community development district located within Sarasota County, Florida. A Notice of Receipt of Petition for the Sarasota National Community Development District (originally filed under the name of Tuscano Community Development District) was published in the March 17, 2006, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 2,353.80 acres (The original petition described the proposed District as approximately 2,375.12 acres in size. However, the District’s legal description was amended to approximately 2,353.80 in size.). A general location map is contained as Exhibit 1 to the amended petition to establish the District. The proposed District is bounded on the north by U.S. 41, the east by the City of North Port, the south by Manasota Beach Road, and on the west by a single-family subdivision. There is no developable real property located within the external boundaries of the proposed District which is to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. All of the land in the proposed District will be part of a golf course residential community comprising 1,584 residential units. It is presently anticipated that the proposed District will construct or provide for certain infrastructures, which include public roads, provisions for water and sewer facilities and water management facilities.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Sarasota National Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

DATE AND TIME: Tuesday, June 6, 2006, 2:00 p.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael H. Krul, Ruden, McClosky, Smith, Schuster & Russell, P.A., 200 East Broward Boulevard, Suite 1500, Fort Lauderdale, Florida 33301, Telephone (954)764-6660; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884.

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

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Kendall Creek Community Development District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42FFF-1 Kendall Creek Community Development District

RULE NOS.: RULE TITLES:

42FFF-1.001 Establishment

42FFF-1.002 Boundary

42FFF-1.003 Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Kendall Creek Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by The St. Joe Company requests the Commission establish a community development district located entirely within the unincorporated limits of St. Johns County, Florida. A Notice of Receipt of Petition for the Kendall Creek Community Development District was published in the February 3, 2006, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 4,086.6 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no out-parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has obtained written consent to establish the District from the landowners of one hundred percent (100%) of non-governmental real property located within the proposed District. The lands within the Kendall Creek CDD will accommodate approximately 3,700 single-family homes; 775 multi-family units; 80,000 square feet of retail/commercial/service space; 11,000 square feet of offices; 100,000 square feet of light industrial space; 18 holes of golf; 131 acres of parks; and 1 public school. The lands to be included in the District are located in the RiverTown Development of Regional Impact. The District, if established,

plans to fund, own, operate and maintain the stormwater management system, certain roadways and the District's recreation facilities including parks and amenities. The District will fund and construct the County public roadways and County public parks, and will dedicate them to the County. Water and wastewater utilities will be provided by JEA and owned by the JEA.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Kendall Creek Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

DATE AND TIME: Tuesday, June 6, 2006, 10:00 a.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.002	Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference errata January 2006 to the Florida Medicaid Provider Reimbursement Schedule. The errata contain corrected fees for the Hearing Services Fee Schedule and the Podiatry Services Fee Schedule. The effect will be to incorporate into rule errata January 2006 to the Florida Medicaid Provider Reimbursement Schedule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 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, June 6, 2006, 10:00 a.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: Jason Ottinger, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida, 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2006, errata January 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New 8-18-05, Amended 11-30-05, 4-16-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-6.003	General Survey, Map, and Report Content Requirement
61G17-6.004	Specific Survey, Map, and Report Requirements

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and mappers is deleting language from paragraph 61G17-6.003(3)(p), F.A.C., to update the rule based upon the Board's rule hearing involving this rule on January 2006.

SUBJECT AREA TO BE ADDRESSED: General Survey, Map, and Report Content Requirement; Specific Survey, Map, and Report Requirements.

SPECIFIC AUTHORITY: 472.008, 472.015, 472.027, 472.003(1)(h) FS.

LAW IMPLEMENTED: 472.015, 472.025, 472.027, 472.033(1)(h) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-6.003 General Survey, Map, and Report Content Requirement.

(1) through (3)(c)2. No change.

(p) Map Accuracy. ~~The expected accuracies of features shown on a survey map must be stated.~~

1. through 2.d. No change.

Specific Authority 472.008, 472.015, 472.027, 472.003(1)(h) FS. Law Implemented 472.015, 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85,\_\_\_\_\_.

61G17-6.004 Specific Survey, Map, and Report Requirements.

(1) through (2) No change.

(3)(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in Rules 61G17-6.003 and 61G17-6.004, paragraph 61G17-6.003(3)(p) F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(b) through (12)(b)5. No change.

Specific Authority 472.008, 472.027, 472.033(1)(h) FS. Law Implemented 472.027, 472.033(1)(h) FS. History—New 9-1-81, Formerly 21HH-6.04, Amended 12-18-88, Formerly 21HH-6.004, Amended 12-25-95, 5-13-96, 5-25-99, 4-4-06,\_\_\_\_\_.

**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 Hearing Aid Specialists**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64B6-3 Application for Initial License, Renewal of Active License, Inactive Status, Renewal of Inactive License, Reactivation

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if

amendments and/or new rule language is necessary pertaining to all matters concerning the hearing aid specialist profession or other mandatory requisites, pursuant to Section 120.74, F.S. SUBJECT AREA TO BE ADDRESSED: Application for Initial License, Renewal of Active License, Inactive Status, Renewal of Inactive License, Reactivation.

SPECIFIC AUTHORITY: 456.036, 484.024, 484.044, 484.044(1) FS.

LAW IMPLEMENTED: 456.013, 456.024, 456.036, 456.036(4), (10), 484.0447(4), (5), 484.045, 484.046 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64B6-7 Complaints, Investigations, Probable Cause Determination, Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the hearing aid specialist profession or other mandatory requisites, pursuant to Section 120.74, F.S. SUBJECT AREA TO BE ADDRESSED: Complaints, Investigations, Probable Cause Determination, Disciplinary Guidelines.

SPECIFIC AUTHORITY: 120.695, 456.072(3), 456.073(3), 456.073(4), 456.077, 456.078, 456.079, 484.042(4), 484.044 FS.

LAW IMPLEMENTED: 120.695, 456.072(2), 456.073(3), 456.073(4), 456.077, 456.078, 456.079, 484.042(4), 484.056, 484.056(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue

Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE CHAPTER NO.: 64B6-8  
 RULE CHAPTER TITLE: Trainee Program

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the hearing aid specialist profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Trainee Program.

SPECIFIC AUTHORITY: 484.044, 484.0445, 484.0445(1), 484.0445(2) FS.

LAW IMPLEMENTED: 484.041, 484.0445, 484.0445(1), 484.045 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253.

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-8.009  
 RULE TITLE: Payment of Fines

PURPOSE AND EFFECT: To delineate guidelines and parameters for the payment of fines and of monthly payment plans.

SUBJECT AREA TO BE ADDRESSED: Payment of Fines.

SPECIFIC AUTHORITY: 456.072(4), 464.006 FS.

LAW IMPLEMENTED: 456.072(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: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.009 Payment of Fines.

(1) Unless stated otherwise in the Final Order, fines are payable within sixty days of the filing of the order.

(2) Individuals may file a petition for indigent status with the board office. The petition must include, at a minimum, the following financial information:

(a) Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

(b) Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

(c) Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

(d) All liabilities and debts.

(3) Upon review and approval by the Executive Director, the Department may issue an order for monthly payment plan within the following parameters:

(a) For fines and costs up to \$2,000, payments may be distributed over a period not to exceed 24 months.

(b) For fines and costs up to \$5,000, payments may be distributed over a period not to exceed 48 months.

(c) For fines and costs over \$5,000, payments may be distributed over a period not to exceed 120 months at a minimum payment of \$100 per month.

Specific Authority 456.072(4), 464.006 FS. Law Implemented 456.072(4) FS. History—New 9-11-83, Formerly 21O-10.06, 21O-10.006, 61F7-8.009, 59S-8.009, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.007  
 RULE TITLE: Out-of-State Administrator-in Training Programs

PURPOSE AND EFFECT: The Board proposes to eliminate two references to the word “completed” because the word is unnecessary in the context of the sentences.

SUBJECT AREA TO BE ADDRESSED: Out-of-State Administrator-in Training Programs.

SPECIFIC AUTHORITY: 468.1685(1), 468.1685(2), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-16.007 Out-of-State Administrator-in-Training Programs.

If an applicant has completed an AIT program outside of Florida, the Board will review the AIT program ~~completed~~ and determine whether the ~~completed~~ program fulfills the requirements of a Florida AIT program. The applicant is required to provide documentation to the Board concerning the out-of-state AIT program, the facility where the program was completed and the qualifications and training of the preceptor.

Specific Authority 468.1685(1)(2), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History—New 7-21-97, Formerly 59T-16.00, Amended.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Agent and Agency Services**

RULE NOS.:	RULE TITLES:
69B-231.010	Purpose
69B-231.020	Scope
69B-231.030	Definitions
69B-231.040	Calculating Penalty
69B-231.070	Prosecutorial Discretion
69B-231.080	Penalties for Violation of Section 626.611, F.S.
69B-231.090	Penalties for Violation of Section 626.621, F.S.
69B-231.100	Penalties for Violation of Subsection 626.9541(1), F.S.
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.120	Penalties for Violation of Other Insurance Code Provisions
69B-231.130	Penalties for Violation of Department Rules

69B-231.140 Penalties for Violation of Department Orders

69B-231.150 Criminal Proceedings

69B-231.160 Aggravating/Mitigating Factors

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The rules are updated by adding new regulations adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating certain laws in order to reflect the Department’s experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUBJECT AREA TO BE ADDRESSED: Guidelines for determining administrative penalties for insurance agents, customer representatives, service representatives and adjusters. SPECIFIC AUTHORITY: 624.308(1), 626.207(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.308, 626.207(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9521, 626.9541, 626.9561, 626.9571, 626.9581 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: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent and Agency Services, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in a workshop or hearing, please advise the Department at least 5 calendar days before the workshop or hearing by contacting Serica Johnson, (850)413-4241.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-231.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under Sections 624.307(1) and ~~626.207(2)~~, F.S., to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, F.S., by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-231.020, F.A.C.

Specific Authority 624.308, ~~626.207(2)~~ FS. Law Implemented 624.307(1), ~~624.308~~, ~~626.207(2)~~, ~~626.611~~, ~~626.621~~, ~~626.631~~, ~~626.641~~, ~~626.681~~, ~~626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.010, Amended.

69B-231.020 Scope.

(1) This rule chapter shall apply to all resident and nonresident insurance agents, customer representatives, ~~solicitors~~, adjusters and service representatives claims investigators licensed under Chapter 626, F.S., who are subject to discipline under Sections 626.611 and 626.621, F.S.

(2) This rule chapter does not apply to insurance agencies, title insurance agencies, title insurance agents, insurance administrators, surplus lines agents, bail bond agents or managing general agents.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, ~~626.681~~, ~~626.691~~ FS. History—New 7-13-93, Amended 8-15-00, 9-23-02, Formerly 4-231.020, Amended.

69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) through (3) No change.

(4) “Crimes involving moral turpitude” means each felony crime identified in subsection 69B-211.042(21)(23), F.A.C., and each felony crime not identified in subsection 69B-211.042(21), F.A.C., that is substantially similar to a crime identified in subsection 69B-211.042(21), F.A.C.

(5) through (9) No change.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, ~~626.681~~, ~~626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended.

69B-231.040 Calculating Penalty.

(1) through (2) No change.

(3) Final Penalty.

(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted, to take into consideration any aggravating or mitigating factors provided however;

(b) The Department may shall convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve in the absence of a violation of Section 626.611, F.S., if warranted upon;

(c) The Department’s will consideration of the factors set forth in rule subsection 69B-231.160(1), F.A.C., in determining whether to convert the total penalty to an administrative fine and probation.

(d) In the event that the final penalty would exceed a suspension of twenty-four (24) months, the final penalty shall be revocation.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.641, 626.681, 626.691 FS. History—New 7-13-93, Formerly 4-231.040, Amended.

69B-231.070 Prosecutorial Discretion.

(1) No change.

(2) Stipulated Disposition. The provisions of this rule are not intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement or consent order whether or not the Department has initiated administrative charges.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581 FS. History—New 7-13-93, Formerly 4-231.070, Amended.

69B-231.080 Penalties for Violation of Section 626.611, F.S.

If it is found that the licensee has violated any of the following subsections of Section 626.611, F.S., for which compulsory suspension or revocation of license(s) and appointment(s) is required, the following stated penalty shall apply:

(1) Section 626.611(1), F.S. – revocation ~~surrender of~~ license.

(2) Section 626.611(2), F.S.

(a) Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license.

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(3) Section 626.611(3), F.S. – revocation ~~surrender of~~ license.

(4) Section 626.611(4), F.S. – suspension 6 3 months.

(5) Section 626.611(5), F.S. – suspension 9 6 months.

(6) Section 626.611(6), F.S. – suspension 9 6 months.

(7) through (9) No change.

(10) Section 626.611(10), F.S. – suspension 12 9.

(11) Section 626.611(11), F.S. – suspension 6 months. This provision does not apply if the facts constitute a violation of section 626.753, F.S.

(12) through (14) No change.

(15) Section 626.611(15), F.S. – suspension 12 3.

(16) No change.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, ~~626.621~~, ~~626.681~~, ~~626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended.

69B-231.090 Penalties for Violation of Section 626.621, F.S.

If it is found that the licensee has violated any of the following subsections of Section 626.621, F.S., for which suspension or revocation of license(s) and appointment(s) is discretionary, the following stated penalty shall apply:

- (1) Section 626.621(1), F.S. – ~~revocation~~ suspension 3 months.
- (2) through (5) No change.
- (6) Section 626.621(6), F.S. – ~~see suspension 6 months or Rule 69B-231.100, F.A.C.~~
- (7) through (11) No change.
- (12) Section 626.621(12), F.S. – suspension 6 3 months.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.090, Amended \_\_\_\_\_.

69B-231.100 Penalties for Violation of Section 626.621(6) 626.9541(1), F.S.

If a licensee is found to have violated Section 626.621(6), F.S., by engaging in unfair methods of competition or in unfair or deceptive acts or practices as defined in any of the following paragraphs of Section 626.9541(1), F.S., the following stated penalty shall apply:

- (1) through (4) No change.
- (5) Section 626.9541(1)(e), F.S. – suspension 6 months; except that the penalty for a violation of Section 626.9541(1)(e)1., F.S., shall be a suspension of 12 months.
- (6) through (10) No change.
- (11) Section 626.9541(1)(k), F.S. – suspension 9 6 months.
- (12) Section 626.9541(1)(l), F.S. – suspension 9 6 months.
- (13) Section 626.9541(1)(m), F.S. – suspension 3 2 months.
- (14) through (26) No change.
- (27) Section 626.9541(1)(aa), F.S. – suspension 9 months.
- (28) Section 626.9541(1)(bb), F.S. – suspension 3 months.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9541(1) FS. History–New 7-13-93, Formerly 4-231.100, Amended \_\_\_\_\_.

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

- (1) Section 624.318(2) ~~626.041(2)~~, F.S. – suspension 3 months.
- ~~(2) Section 626.051(2), F.S. – suspension 3 months.~~
- ~~(3) Section 626.062(2), F.S. – suspension 3 months.~~
- (2)(4) Section 626.112(2), F.S. – suspension 3 months.
- (3)(5) Section 626.342(1), F.S. – suspension 3 months.

- ~~(4)(6) Section 626.441, F.S. – suspension 6 months.~~
- (5) Section 626.536, F.S. – administrative fine of \$500.
- ~~(6)(7) Section 626.541 F.S. – suspension 2 months.~~
- (7)(8) Section 626.551, F.S. – administrative fine of not more than \$250 for the first violation; administrative fine of not less than \$500 for the second violation; administrative fine of not less than \$500 and suspension for 2 months for the third and subsequent violations.
- ~~(8)(9) Section 626.561(1), F.S. – suspension 9 months.~~
- ~~(9)(10) Section 626.561(2), F.S. – suspension 3 2 months.~~
- ~~(10)(11) Section 626.572, F.S. – suspension 3 months.~~
- ~~(11)(12) Section 626.591, 626.592(1), F.S. – suspension 6 3 months-~~
- ~~(13) Section 626.592(4), F.S. – suspension 6 months.~~
- ~~(14) Section 626.592(5), F.S. – suspension 9 months.~~
- ~~(15) Section 626.592(6), F.S. – suspension 6 months.~~
- ~~(16) Section 626.592(7), F.S. – suspension 3 months.~~
- (12) Section 626.593, F.S. – suspension 3 months.
- ~~(13)(17) Section 626.601(2), F.S. – suspension 3 2 months.~~
- ~~(14)(18) Section 626.631(1), F.S. – revocation.~~
- ~~(15)(19) Section 626.641(4), F.S. – revocation.~~
- (16) Section 626.7315, F.S. – suspension 3 months.
- ~~(17)(20) Section 626.741(3), F.S. – suspension 3 months.~~
- ~~(18)(21) Section 626.741(4), F.S. – suspension 6 months.~~
- ~~(19)(22) Section 626.747, F.S. – suspension 3 months.~~
- ~~(20)(23) Section 626.748, F.S. – suspension 2 months.~~
- ~~(21)(24) Section 626.752, F.S. – suspension 3 months.~~
- ~~(22)(25) Section 626.753, F.S. – revocation.~~
- (23) Section 626.7845, F.S. – suspension 3 months.
- ~~(24)(26) Section 626.792(3), F.S. – suspension 3 months.~~
- ~~(25)(27) Section 626.792(6), F.S. – revocation.~~
- ~~(26)(28) Section 626.793, F.S. – suspension 2 months.~~
- ~~(27)(29) Section 626.794, F.S. – suspension 6 months.~~
- ~~(28)(30) Section 626.798, F.S. – suspension 9 6 months.~~
- (29) Section 626.8305, F.S. – suspension 3 months.
- ~~(30)(31) Section 626.835(3), F.S. – suspension 3 months.~~
- ~~(31)(32) Section 626.835(6), F.S. – revocation.~~
- ~~(32)(33) Section 626.837, F.S. – suspension 6 months.~~
- ~~(33)(34) Section 626.8373, F.S. – suspension 6 months.~~
- ~~(34)(35) Section 626.838, F.S. – suspension 6 months.~~
- ~~(35)(36) Section 626.901(1), F.S. – suspension 6 months.~~
- ~~(36)(37) Section 626.901(2), F.S. – suspension 12 months.~~
- (37) Section 627.4554, F.S. – suspension 12 months.
- (38) Section 627.901, F.S. – suspension 3 months.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.110, Amended \_\_\_\_\_.



69B-231.120 Penalties for Violation of Other Insurance Code Provisions.

If the licensee is found to have violated a provision of the Insurance Code, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, ~~626.681, 626.691~~ FS. History—New 7-13-93, Formerly 4-231.120, Repromulgated

69B-231.130 Penalties for Violation of Department Rules.

If the licensee is found to have violated a Department rule, the stated penalty, unless otherwise prescribed in these rules or in the specific rule violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, ~~626.681, 626.691~~ FS. History—New 7-13-93, Formerly 4-231.130, Repromulgated

69B-231.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful, unless the penalty is prescribed in the order itself; except that if a licensee or an affiliated party transacts insurance in violation of an order of suspension, the penalty shall be revocation of license(s) and appointment(s) if the violation was willful, or shall be an additional suspension of three (3) months if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History—New 7-13-93, Formerly 4-231.140, Amended

69B-231.150 Criminal Proceedings.

~~(1) If it is found that a licensee has violated either Section 626.611(14) or 626.621(8), F.S., the following stated penalty shall apply:~~

~~(1)(a) If a the licensee is convicted by a court of a violation of the Insurance Code or a felony (regardless of whether or not such felony is related to an insurance license), the penalty shall be immediate revocation.~~

~~(2)(b) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving involves moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation.~~

~~(3)(e) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving involves moral turpitude or is a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to activities involving the business of insurance an insurance license, the penalty shall be revocation a 24 month suspension.~~

~~(b)2- If the conduct indirectly relates to the business of insurance or involves dishonesty or breach of trust, such as theft of money or property, or mishandling or misappropriation of money, the penalty shall be a 12 month suspension.~~

~~(c)3- If the conduct is not related to the business of insurance and does not involve dishonesty or breach of trust license, the penalty shall be a 6 month suspension.~~

~~(4)(d) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which is not a crime involving does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to the business of insurance activities involving an insurance license, the penalty shall be a 24-month suspension.~~

~~(b)2- If the conduct indirectly relates to the business of insurance involves dishonesty or breach of trust such as theft of money or property, or mishandling or misappropriation of money, the penalty shall be a 12-month suspension.~~

~~(c)3- If the conduct is not related to the business of insurance license, the penalty shall be a 3-month suspension.~~

~~(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:-~~

~~(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;~~

~~(b) The degree of penalty associated with the same or similar crimes in the United States; and~~

~~(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States:-~~

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), ~~626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.150, Amended

