

non-binding. However, if a settlement is reached, the insured shall have 3 business days starting after the date of the mediation conference within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this mediation program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee imposed in subsection (5) paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-14 Entomology – Pest Control
Regulations

RULE NO.: RULE TITLE:
5E-14.149 Enforcement and Penalties

NOTICE OF CHANGE:

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 32, No. 5, February 3, 2006 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C., or as provided in Section 482.161, F.S.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, Sections 501.204, .207, .2075, .2077, .209, .211, .2105, .212, and .213, F.S., for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, are needed to further protect consumers or recover damages associated with identified violations.

(2) Violation and Repeat Violation. Each and every breach of Chapter 482, F.S., and related rules, or part thereof, is a violation. A repeat violation is a violation for which the person has been previously disciplined within the last three (3) years.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) Death or serious bodily harm requiring medical attention to humans or veterinary attention to animals occurs as a result of misuse of a pesticide or mismanagement of another pest control method, and the injury or death is attributable to the misuse or mismanagement.

(b) Misuse of a highly toxic pesticide (Category I, Danger signal word) as established in 40 CFR 156.64(a), is documented and such a misuse could result in death or serious bodily harm to humans or animals, but where the death or injury did not occur.

(c) The licensee, certificate holder, permit holder or applicator causes serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human or animal health or the environment as a result of misuse of a pesticide or mismanagement of another pest control method.

(d) The licensee, certificate holder, permit holder or applicator deliberately makes false or fraudulent claims with respect to pest control, deliberately misrepresents the effects of materials or methods used in pest control, or deliberately fails to use materials or methods suitable for the pest control undertaken.

(e) The licensee, certificate holder, permit holder or applicator performs pest control in a manner that causes harm due to carelessness or failure to exercise proper care in the use of a pesticide or other pest control technique; fails to comply with subsection 5E-14.106(6), (7), or (8), F.A.C.; or uses a fumigant in a manner that is inconsistent with its label directions or the requirements of Rule 5E-14.108, .110, .111, .112, or .113, F.A.C.

(f) The licensee, certificate holder, permit holder or applicator fails to give the Department or representative true information in response to a written request within 14 business days regarding methods and materials used, work performed, or other information essential to the administration of Chapter 482, F.S.

(g) The licensee, certificate holder, permit holder or applicator performs or causes fraudulent or misleading advertising relative to pest control or advertises in an unauthorized category of pest control.

(h) The licensee, certificate holder, permit holder or applicator misuses a pesticide, performs a faulty inspection for wood destroying organisms, or fails to comply with the terms of a wood destroying organism protection contract, and such action results in property damage exceeding \$2500.

(i) The licensee, certificate holder, permit holder or applicator violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order, or any other order of the Department, issued under the authority of Chapter 120 or 482, F.S., or Chapter 5E-14, F.A.C.

(j) The licensee, certificate holder, permit holder or applicator commits fraud or deceptive trade practices.

(k) An individual or business performs pest control without holding a valid license from the Department.

(4) Stop Use or Stop Work Orders.

(a) Use of Stop Use, Stop Work Orders shall be issued in accordance with subsection 5E-14.108(4), F.A.C., for:

1. Fumigation activities performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

(b) The Department shall issue a release of a Stop Use or Stop Work Order when the deficiencies cited have been corrected and the violator is in compliance with the provisions of Chapter 482, F.S., and associated rules.

(5) Default. A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law, including suspension of the violator's license and/or permit.

(6) Denial. The Department will deny application for licensure if:

(a) A person fails to comply with the licensing and/or permit requirements of Chapter 482, F.S., or Chapter 5E-14, F.A.C., or

(b) All outstanding fines owed to the Department are not paid in full, or

(c) A person has been convicted of any felony under state or federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, assault that inflicts grievous bodily injury, kidnapping, prostitution, child abuse, child pornography, sexual assault or indecent exposure. If civil rights have been restored, the Department will not deny licensure based on conviction for these crimes.

(7) Warning Letters. For first time, non-major violations, the Department will issue a Warning Letter that is the equivalent of a Notice of Noncompliance. These will be automatically imposed if persons fail to respond to the administrative complaint issuing the warning letter.

(8) Fines. For repeat non-major violations, multiple violations including at least one major violation, and all major violations, including those violators who do not respond to an administrative complaint, the Department will impose an administrative fine not to exceed \$5,000 per violation plus any other penalty allowed by law including suspension or revocation. When imposing a fine, the Department will consider the degree and extent of harm, or potential harm, that was or could have been caused by the violation, the cost of rectifying the damage minus the actions taken by the licensee or certified operator or applicator to correct the violation or remedy complaints, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation. The Department will use the attached Fine Guide to assist it in determining the appropriate amount of the fine.

(9) Suspension and Revocation.

(a) Suspension will be imposed when:

1. The violation results in death of humans or domestic animals or pets, or injury requiring hospitalization to humans.

2. The violation results in serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

3. The compliance record of the violator shows two or more prior violations for similar major violations within the last (3) years.

4. The licensee, certificate holder, permit holder or applicator has habitual intemperance or addiction to narcotics to the extent that it contributes substantially to the occurrence of violations of Chapter 482, F.S.

5. The licensee, certificate holder, permit holder or applicator has obtained licensure under Chapter 482, F.S., and the Department subsequently determines that the licensee, certificate holder, permit holder or applicator is or has been convicted in any state or federal court of a felony involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, assault that inflicts grievous bodily injury, kidnapping, prostitution, child abuse, child pornography, sexual assault or indecent exposure, unless civil rights have been restored.

6. A licensee or certificate holder has been found by the Department to be in violation of Section 482.121, F.S.

7. When a permit holder pursuant to Section 482.0815(4) or (6), F.S., meets the conditions therein.

(b) Revocation will be imposed when a violator does not comply with a suspension order, or if a licensee or certificate holder has been suspended twice in three years.

(10) Investigative Costs. The Department will charge for investigative costs when investigations that document major violations require more than one inspection, more than one inspector, or the use of Department staff outside of the Division of Agricultural Environmental Services.

Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and other incidental expenditures related to the case.

(11) Quarterly List. All disciplinary actions taken by the department pursuant to Chapter 482, F.S., or the rules adopted pursuant to it, shall be published in the next available quarterly list published as required in Section 482.161(9), F.S., and on the Department's website and shall include the identity of each individual or entity against which disciplinary action was taken, and a brief description of the offense and the disciplinary action, whether it was a warning letter, fine, probation, suspension or revocation. If the violator operated an unlicensed pest control business the name of the unlicensed business will also be listed.

(12) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, F.S.

(13) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken or that good faith efforts to undertake these corrective actions have not been made, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.

(14) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint.

When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person and to the licensee, stating the complaint, identifying the complainant and requesting a written response within 10 working days.

(15) Fine Guide.

FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. The terms and values used in the fine guide calculation shall be:

A = Degree & Extent of Harm – Human, animal & environmental hazards occur as a result of pesticide misuse or mismanagement of another pest control method:

1 Human, animal or environmental harm not identified

5 Death of animals or injury to humans or animals requiring hospitalization, or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment

7 Human death

B = Toxicity of the pesticide for which a pesticide misuse or violation of label directions which could result in human or animal hazards:

0 No pesticide involved in complaint

1 Category III or IV – Signal Word “Caution”

2 Category II – Signal Word “Warning”

3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

1 Unknown or under \$1,000

2 Over \$1,000 and under \$5,000

3 Over \$5,000 and under \$10,000

4 Over \$10,000

D = Whether the violation was committed deliberately

1 No evidence violation was committed deliberately

5 Evidence violation was committed deliberately

E = Compliance record of the violator

0 No prior violations

1 One prior violation for a dissimilar violation

2 Two or more prior violations dissimilar to current violation

3 One prior violation for a similar violation

4 Two or more prior violations for similar violations

F = Investigative Costs

0 Routine investigation or Payment of all investigative costs

2 Violation documented as a result of more than one inspection or requiring investigation by multiple inspectors, or by department personnel outside of the division of Agricultural Environmental Services

G = Entity Category

500 Business licensee responsible for violation, or person operating a pest control business without a valid business license

250 Certified Operator or Special Identification Cardholder responsible for violation

100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida

law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 570.07(23) FS. Law Implemented 482.161, 482.163, 482.165, 570.07(36) FS. History–New

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

12A-19.010

12A-19.100

RULE TITLES:

Registration

Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12A-19.010, F.A.C., published in Vol. 32, No. 2, pp. 86-89, January 13, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated February 23, 2006, the Department has withdrawn the proposed amendments to paragraph (b) of subsection (3) of Rule 12A-19.010, F.A.C., Registration. When adopted, that paragraph will reflect “No change.”

Forms DR-700016, Florida Communications Services Tax Return (R. 01/06, R. 11/05, and R. 06/05), incorporated by reference in paragraphs (a) through (c) of Rule 12A-19.100, F.A.C., Public Use Forms, will be changed to correct the current authorization statement to read as follows:

Under penalties of perjury, I declare that I have read this return and that the facts stated in it are true. [Sections 92.525(2), 202.27(5), and 837.06, Florida Statutes]

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.”

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:

40E-7.669

40E-7.670

40E-7.672

40E-7.673

40E-7.674

40E-7.675

RULE TITLES:

Definitions

Competitive Solicitation Preferences

Compliance

Certification Eligibility – Small Business Enterprise

Certification Review Procedures

Recertification Review Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 8, February 24, 2006, issue of the Florida Administrative Weekly. Changes are made on the basis of comments and recommendations received from the Joint Administrative Procedures Committee, comments received in writing prior to the public hearing and at the public hearing held on April 12, 2006:

40E-7.669 Definitions.

(1) through (3) No change.

(4) ~~“Employees” means those individuals who received a W 2 from the Applicant. In determining number of employees a business has, the District shall count only those individuals who were supplied a W 2 by the Applicant. Whether employed on a full time or part time basis.~~

(4)(5) ~~“Gross Receipts” means the total sales for the Applicant as specified in its Federal tax return or if a new company which has not filed a Federal tax returns, in its audited financial statement as referred to in Section 40E-7.673(2)(a), F.A.C., before deductions for returned items, allowances, and discounts.~~

(5)(6) ~~“Industry Categories” means construction, commodities and services.~~

(6) ~~“Prime Contractor” means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance or work at a mutually agreed upon price in accordance with agreed upon terms and conditions.~~

(7) through (8) No change.

(9) ~~“District Small Business Enterprise (SBE)” means a business certified by the District, that including affiliates, employs 100 or fewer part and/or full time employees, whose three (3) year average gross receipts including affiliates shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license. Finally, a District Small Business Enterprise three (3) year average gross receipts shall not exceed \$4 million if the business provides construction, \$2.5 million if the business provides commodities, and \$3 million if the business provides services.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New _____.

40E-7.670 Competitive Solicitation Preferences.

(1) No change.

(2) Sheltered Market Program.

The District ~~shall~~ ~~may~~ provide for sheltered markets for only SBE’s to bid on designated solicitations. The District shall be guided in selecting sheltered market solicitations by selecting

industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses. Additionally in order to award a contract in a sheltered market the District must receive responses from at least 3 SBE’s. If no bid or response is received for a contract that has been designated for the Sheltered Market, the contract shall be competed pursuant to the District’s Procurement Policy.

(3) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids ~~based on availability in the amount of 30% of the total contract amount.~~ Availability refers to registered vendors with the District, including certified Small Business Enterprise (SBE) firms able to perform work within specific commodity codes. The formula for setting a goal is expressed as the total number of District certified (SBE) firms within specific commodity codes in a scope of work divided by the total number of registered vendors with the District’s Procurement Department within the same commodity codes at the time of the preparation of the solicitation. Numerically, this is expressed as:

$$\frac{\text{Total Number of District Certified SBE's}}{\text{Total Number of District Registered Vendors}} = \text{Subcontracting Goal Percentage}$$

The maximum goal that will be applied to any solicitation will be 25%. Bidders may provide work to one or more District SBE’s in order to meet the goal. Any bidder failing to meet the established 30% goal shall be deemed nonresponsive.

(b) Proposals – For contracts awarded based on an evaluation criteria, ~~up to 20 of the total evaluation points may be awarded to Prime contractors who subcontract 30% or more of the contract dollar amount to certified SBE’s.~~ The District shall award points as reflected in Table 7.6-2. The maximum points will be awarded to the proposer if 25% or more of the total project work is performed by SBE firms. Percentages reflect the amount of the total contract value proposed to be assigned to SBE firms.

TABLE 7.6-2
EVALUATION POINT TABLE

10 20 POINTS FOR SBE PARTICIPATION	
≥ 25 30% =	10 20 points
≥ 23 7% =	9 18 points
≥ 21 4% =	8 16 points
≥ 19 21% =	7 14 points
≥ 17 18% =	6 12 points
≥ 15% =	5 10 points
≥ 13 2% =	4 8 points
≥ 11 9% =	3 6 points
≥ 9 6% =	2 4 points
≥ 7 3% =	1 2 points

~~(e) Failure to submit any of the documentation required herein shall lead to the business submitting a bid or proposal being deemed nonresponsive.~~

~~(c)(d) At the time of submittal of its bid or proposal the bidder or proposer prime contractor using shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "SBE Subcontractor Participation Schedule" effective (), which is hereby incorporated by reference and which can be obtained from the District upon request on the contract. All bids or proposals with SBE participation shall include Form No. 0957, "Statement of Intent to Perform as a SBE Subcontractor" effective (), which is hereby incorporated by reference and can be obtained from the District upon request, signed by the SBE subcontractor and the bidder or proposer which confirms their intent to establish a business relationship and confirms the SBE participation percentages. The proof of certification for all SBE's must be submitted to the District at the time of bid or proposal. Failure to submit any of the information required herein shall lead to the bid or proposal being deemed nonresponsive. Additionally the prime contractor must specify what specify work elements each SBE will perform. All prime contractors must submit proof of District certification of the SBEs they plan on using in the bid or proposal by providing a copy of the District certification letter. All SBE proposed tasks must be defined within the scope of work being solicited by completing these two forms: the Schedule of Subcontractor Participation Form and Statement of Intent to Perform as a Subcontractor Form.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New _____.

40E-7.672 Compliance.

(1) through (3) No change.

~~(4) To ensure that all commitments by prime contractors under contracts awarded in which there are SBE subcontractors are met, the prime contractor's efforts to meet its commitments throughout the performance of the contract shall be reviewed. The Prime Contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to SBE subcontractors.~~

(5) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New _____.

40E-7.673 Certification Eligibility – Small Business Enterprise.

District staff shall have the authority to accept, review, approve, certify, decertify and deny applications for SBE certification. An applicant business must be registered with the District as a vendor prior to submitting an application for certification.

(1) Applicant businesses shall submit applications for SBE certification using Form No. 1231, "SBE Certification Application" effective (), which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite number, if any, city and correct zip code. A post office box will not be acceptable absent a street address.

(2) To establish that it is a small business, the applicant shall:

(a) Provide documentation to demonstrate that the three (3) year average gross receipts of the business concern, together with its affiliates, does not exceed \$134 million for Construction, \$52.5 million for Commodities, and \$63 million for Services. In determining the gross receipts of the business and its affiliates, the District shall consider the three (3) most recent federal tax returns, filed by the Applicant for the three (3) years immediately preceding their application. ~~or If the Applicant business has not filed three (3) federal income tax returns for the three (3) years immediately preceding their application, the most recent audited financial statements for the business shall be considered; then the Applicant must submit a financial statement, for any of the three (3) years immediately preceding the application in which the Applicant did not file a federal income tax return(s). The financial statement must be prepared by a Certified Public Accountant as defined by Section 473.301, F.S., not employed by the Applicant but retained for the purpose of preparing financial statements for the Applicant. Applicants in business less than one (1) year are to submit an opening balance sheet and income statement for the months in which they were in business.~~

~~(b) Provide documentation to demonstrate that it employs one hundred (100) or fewer Employees. In determining whether the applicant meets the criteria for a small business, the District shall consider the following documentation:~~

- ~~1. Latest Florida Quarterly Unemployment Reports.~~
- ~~2. Annual Federal Unemployment Report.~~
- ~~3. Most Current Payroll Ledgers.~~

~~(b)ii. The applicant must demonstrate that it is licensed to do business in the State of Florida if the business requires a license.~~

(c) The Applicant may only have one (1) business certified with the South Florida Water Management District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New _____.

40E-7.674 Certification Review Procedures.

(1) No change.

(2) Within ~~thirty sixty~~ (360) days following receipt of the application, the District will request the applicant business to furnish omitted items or additional information, if any. If all requested information is not received by the District within thirty (30) days from the date of the request, the District will return the unprocessed application to the applicant business.

~~(3) An on-site verification review may be conducted by the District upon receipt of the completed application. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of the application.~~

~~(3)(4)~~ Applicants determined eligible shall receive certification as an SBE from District staff. ~~This document will state the length of time for which the business will be certified and the areas of business it is certified in.~~ Once certified, an applicant shall remain certified for a period of three (3) years unless the applicant fails to follow this rule and is sanctioned pursuant to the Rule. The District retains the right to re-evaluate the certification of any business at any time.

~~(4)(5)~~ Applicants determined ineligible shall receive a notification from District staff. Applicants receiving this notification of ineligibility shall not be eligible to submit new applications until 180 days after the date of the notice denying certification.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New _____.

40E-7.675 Recertification Review Procedures.

(1) Applications for recertification shall be submitted using Form No., 1232 "SBE Application for Recertification", effective (_____) which is hereby incorporated by reference and available from the District upon request.

(2) The District will notify SBEs no later than sixty (60) days before the end of the certification period that the SBE's certification is about to expire. If the SBE is unable to use the recertification document because of changes to the applicant's business, the SBE shall notify the District in writing of the changes to its company. The District shall determine if the company still complies with the certification criteria set forth in Rule 40E-7.673, F.A.C. Recertification requests must be filed with the District no later than the last effective date of the current certification period.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within thirty sixty (360) days following initial receipt of the applicant's recertification request, the District will may request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the application for recertification.

~~(4) An on-site verification review may be conducted by the District upon receipt and review of the recertification request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of recertification.~~

~~(4)(5)~~ Recertification shall be granted when the applicant has complied with this rule and substantiates continued eligibility for SBE status.

~~(5)(6)~~ Applicants deemed eligible shall receive a recertification letter stating the length of time for which the business has been re-certified and the specialty areas of the business. Once recertified, an applicant shall remain certified for a period of three (3) years unless the District determines that the applicant no longer meets the eligibility requirement of this Rule. The District retains the right to reevaluate the certification of any business at any time.

~~(6)(7)~~ Applicants determined ineligible for recertification shall receive a letter citing the specific criteria of subsection 40E-7.673(2), F.A.C., that they failed to meet and advising that they applicable rules and shall not be eligible to submit new applications until 180 days after the date of the notice or the District's final agency order denying recertification.

~~(7)(8)~~ If an application for recertification is timely submitted, an SBE shall remain certified until the District has made a determination concerning eligibility.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60BB-2 Florida Unemployment Compensation Tax

RULE NOS.: RULE TITLES:

60BB-2.022 Definitions

60BB-2.023 General Reporting Information

60BB-2.024 Employer Registration Reports and

Determinations of Liability

60BB-2.025 Reports Required of Liable

Employers

60BB-2.026 Determinations to Liable Employers

60BB-2.027 Payment of Contributions

60BB-2.028 Delinquent Accounts

60BB-2.029 Changing Methods of Financing

Benefit – Nonprofit and Public

Employers

60BB-2.032 Employing Unit Records

60BB-2.035 Protests of Liability, Assessment,

Reimbursement, and Tax Rate –

Special Deputy Hearings

60BB-2.036 Unemployment Compensation Tax

for Indian Tribes

60BB-2.037 Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 14, April 7, 2006, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: In response to suggestions made at the public hearing on May 16, 2006, the Agency is making the following changes:

60BB-2.022 Definitions.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.036(11), 443.1217, 443.131, 443.1316, 443.141, 443.171 FS. History–New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended 1-19-03.

60BB-2.023 General Reporting Information.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171 FS. History–New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended 1-19-03.

60BB-2.024 Employer Registration Reports and Determinations of Liability.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141(2), 443.171(5) FS. History–New 8-25-92, Formerly 38B-2.024, Amended 1-19-03.

60BB-2.025 Reports Required of Liable Employers.

(1) Employer's Quarterly Reports.

(a) Each contributing and reimbursing employer must file quarterly reports on Form UCT-6, Employer's Quarterly Report, incorporated by reference in Rule 60BB-2.037, F.A.C. unless the employer solely employs workers who perform domestic services and has been approved by the Department to file reports annually pursuant to Section 443.131(1), Florida Statutes. Payrolling, as defined in Rule 60BB-2.022, F.A.C., is not permitted. Employers that engage in payrolling are subject to the penalties set forth in Section 443.131(3)(g), Florida Statutes.

(b) No change.

(2) No change.

(3) No change.

Specific Authority 443.1317 FS. Law Implemented 443.036(18), 443.131, 443.141, 443.163, 443.171(5) FS. History–New 8-25-92, Formerly 38B-2.025, Amended 1-19-03.

60BB-2.026 Determinations to Liable Employers.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.131(3), 443.1312, 443.1313, 443.141(2)(b), 443.151(3)(c), (d), (4)(b) FS. History–New 8-25-92, Formerly 38B-2.026, Amended 1-19-03.

60BB-2.027 Payment of Contributions.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.121, 443.131, 443.141, 443.171(1), 443.191 FS. History–New 8-25-92, Formerly 38B-2.027, Amended 1-19-03.

60BB-2.028 Delinquent Accounts.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.121(4), 443.131, 443.1312, 443.1313, 443.1315, 443.141 FS. History–New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended 1-19-03.

60BB-2.029 Changing Methods of Financing Benefits – Nonprofit and Public Employers.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.071(2), (3), 443.141(2), 443.171 FS. History–New 8-25-92, Formerly 38B-2.032, Amended 1-19-03.

60BB-2.032 Employing Unit Records.

No change.

Specific Authority 443.1317 FS. Law Implemented 443.071(2), (3), 443.141(2), 443.171 FS. History–New 8-25-92, Formerly 38B-2.032, Amended 1-19-03.

60BB-2.035 Protests of Liability, Assessment, Reimbursements, and Tax Rate – Special Deputy Hearings.

No change.

Specific Authority 443.1317, 443.171(2) FS. Law Implemented 120.569, 120.57[(1),] (2), 443.036(19), (20), (21), 443.131(3), 443.141(2), (3), 443.151, 443.171(1), [(6),] (7), (8), (9) FS. History–New 8-25-92, Formerly 38B-2.035, Amended 1-19-03.

60BB-2.036 Unemployment Compensation Tax for Indian Tribes.

No change.

Specific Authority 443.1315(7), 443.1317 FS. Law Implemented 443.1315 FS. History–New 7-29-03.

60BB-2.037 Forms.

(1) The following forms are incorporated into this Chapter by reference.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 07/06).

(b) ~~LES~~ Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage (Rev. 09/01).

(c) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 01/06).

(d) Form UCS-1SA, List of Employees Employed in the Transferred Unit (05/06).

~~(e)(4)~~ Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

~~(f)(e)~~ Form UCS-3, Employer Account Change Form (Rev. 01/06).

~~(g)(4)~~ Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

~~(h)(g)~~ Form UCS-6061, Independent Contractor Analysis (Rev. 11/05).

~~(i)(h)~~ Form UCS-70, Application for Common Paymaster (Rev. 08/01).

~~(j)(i)~~ Form UCT-1, Notice of Benefits Paid (Rev. 05/03).

~~(k)(j)~~ Form UCT-6, Employer's Quarterly Report (Rev. 01/06).

~~(l)(k)~~ Form UCT-7, Annual Report for Employers of Domestic Employees Only (Rev. 08/04).

~~(m)(l)~~ Form UCT-7A, Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services (Rev. 06/03).

~~(n)(m)~~ Form UCT-8A, Correction to Employer's Quarterly or Annual Domestic Report (UCT-6) (Rev. 05/04).

~~(o)(n)~~ Form UCT-18, Notice of Tax Lien (Rev. 07/04).

~~(p)(o)~~ Form UCT-20, Unemployment Compensation Tax Rate Notice (Rev. 01/06).

~~(q)(p)~~ Form UCT-27, Unemployment Tax Notice of Tax Action (Rev. 09/04).

~~(r)(q)~~ Form UCT-28T Indian Tribe Election of Payment Method Under the Unemployment Compensation Law (Rev. 08/02).

~~(s)(r)~~ Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 01/05).

~~(t)(s)~~ Form UCT-40 Indian Tribe Unemployment Surety Bond (Rev. 05/03).

~~(u)(t)~~ Form UCT-50T, Magnetic Media Reporting Transmittal (Rev. 01/01).

~~(v)(u)~~ Form UCTFL06A, Incomplete Report Notice (Rev. 05/01).

~~(w)(v)~~ Form UCTFL16F, Notification of Audit Results (Rev. 01/04).

~~(x)(w)~~ Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

~~(y)(x)~~ Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/05).

~~(z)(y)~~ Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 07/03).

(2) No change.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171(5), FS. History—New 1-19-03, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61A-1 Definitions

RULE NOS.: RULE TITLES:

61A-1.013 License Classification

61A-1.017 Moral Character

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 31, No. 21, May 27, 2005 issue, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina B. Norman, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61A-3 Vendors and Licensees

RULE NOS.: RULE TITLES:

61A-3.019 Club Licenses

61A-3.020 Licenses, Change of Series

61A-3.039 Exceptions in Employment of

Minors and Others

61A-3.049 Bottle Club Licenses

61A-3.053 Hardship for Extension to Activate

Quota License

61A-3.0141 Special Restaurant Licenses

61A-3.0305 Pool Buying Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 31, No. 21, May 27, 2005 issue Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina B. Norman, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61A-4 Manufacturers and Distributors

RULE NOS.: RULE TITLES:

61A-4.003 Delinquent Accounts, Reporting

61A-4.005 Brand Registration

61A-4.020 Storage Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 31, No. 21, May 27, 2005 issue, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina B. Norman, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61A-5	Applications, Forms, and Requirements
RULE NOS.:	RULE TITLES:
61A-5.001	Obtaining Forms
61A-5.010	Completed Application
61A-5.011	Completed Application for the Grant of a New Quota Liquor License
61A-5.056	Application for Retail Tobacco Products Dealer Permit
61A-5.0105	Beverage Licenses, New Quota Issue
61A-5.700	Application for Alcoholic Beverage License
61A-5.708	License Cancellation Request
61A-5.710	Personal Questionnaire
61A-5.747	Preliminary Application for a New Quota Alcoholic Beverages License
61A-5.761	List of License Application Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 31, No. 21, May 27, 2005 issue, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina B. Norman, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-0750

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 JUVENILE JUSTICE**Detention Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63G-1	Detention Cost Sharing
RULE NOS.:	RULE TITLES:
63G-1.002	Definitions
63G-1.008	Annual Reconciliation
63G-1.009	Dispute Resolution and Collection

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule sections in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 7,

February 17, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on the rule conducted on May 19, 2006, in Tallahassee.

63G-1.002 Definitions.

(1) "Cost of detention care" means the cost of providing detention care as determined by the General Appropriations Act.

(2) "County estimated cost of detention care" means a projected cost estimate based upon a county's prior annual usage.

(3) "Final court disposition" means the date the court enters a disposition for the subject referral.

(4) "Fiscally constrained county" means a county designated as defined in Section 985.2155, Florida Statutes, a rural area of critical economic concern under section 288.0656, Florida Statutes, and which is not required to pay the full costs of its resident juveniles' predisposition detention care.

(5) "Residence" means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer pursuant to Rule 63G-1.003, F.A.C., and entered in the Juvenile Justice Information System.

(6) "Secure detention" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155 FS. History--New_____.

63G-1.008 Annual Reconciliation.

(1) On or before November ~~September~~ 30 of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.

(2) If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before January 31 ~~November 1~~.

(3) If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the November billing, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History--New_____.

63G-1.009 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days of receipt of the quarterly report to which the dispute pertains.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

- (a) An alternative address asserted to be correct.
- (b) Supporting documentation.
- (c) An explanation of the basis for the dispute on form 63G-1-1.

(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form 63G-1-1 (May 2006), "Notice of Disputed Detention Charge," is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, Florida Statutes.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History--New_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.001
 RULE TITLE: Renewal of Active License
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 47, November 23, 2005 issue of the Florida Administrative Weekly. These changes were made to address concerns raised by the Joint Administrative Procedure Committee. When changed, the rule shall read as follows:

64B4-6.001 Renewal of Active License.

(1) through (2) No change.

(a) through (b) No change.

(c) A maximum of six (6) of the required thirty (30) hours of continuing education may be earned for credit during one biennium by performing pro bono services to the indigent, underserved populations, or in areas of critical need within the State of Florida including but not limited to state mental institutions for the mentally retarded, the Department of Corrections, and health manpower shortages areas established by the United States Department of Health and Human

Services. The standard for determining indigency shall be low income (150%) of the federal poverty level or uninsured persons. Such services must be approved in advance by the Board.

1. through 2. No change.

(3) through (4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007
 RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor"

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly. These changes were made to address additional concerns of the Board in its effort to determine what changes are necessary. When changed, the rule shall read as follows:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor."

(1) "Licensed clinical social worker, or the equivalent, who is a qualified supervisor," as used in Section 491.005(1)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervised clinical experience, meets one of the following:

(a) Holds an active license as a clinical social worker in the State of Florida ~~or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a clinical social worker under Section 491.005(1), F.S.;~~

(b) through (c) No change.

(2) No change.

(3) ~~After February 1, 2000,~~ A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of subsection (1); and

(a) Have completed, subsequent to licensure as a clinical social worker, training in supervision in one of the following:

1. through 4. No change.

(b) No change.

(4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-21.007	Definition of "Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor"

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly. These changes were made to address additional concerns of the Board in its effort to determine what changes are necessary. When changed, the rule shall read as follows:

64B4-21.007 Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor."

(1) "A licensed marriage and family therapist ~~with at least five years experience or the equivalent~~, who is a qualified supervisor," as used in Section 491.005(3)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision meets one of the following:

(a) Holds an active license as a marriage and family therapist in the state of Florida for a minimum of 2 years or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a marriage and family therapist under Section 491.005(3), F.S., and has completed five years of clinical experience as a marriage and family therapist;

(b) through (d) No change.

(2) No change.

(3) ~~After February 1, 2000, A~~ qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of paragraph (1)(a), (b), (c) or (d) and have ~~completed training in supervision in one of the following~~:

(a) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship; and

(b) Completed, subsequent to licensure as a marriage and family therapist, training in supervision in one of the following:

1.(a) A graduate level academic course in supervision; or

2.(b) A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

3.(e) An AAMFT course for Approved Supervisors.

(4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-31.007	Definition of "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor"

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly. These changes were made to address additional concerns of the Board in its effort to determine what changes are necessary. When changed, the rule shall read as follows:

64B4-31.007 Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor."

(1) A "licensed mental health counselor, or the equivalent, who is a qualified supervisor," as used in Section 491.005(4)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision, meets one of the following:

(a) Holds an active license as a mental health counselor in issued by the state of Florida Department of Health or is not required to hold such license, but nevertheless meets the education and experience requirements for licensure as a mental health counselor under Section 491.005(4), F.S.;

(b) through (d) No change.

(2) Qualified supervisors who provide supervision in Florida for interns and trainees must meet the equivalency standards of subsection (1) and have:

(a) Completed, subsequent to licensure as a mental health counselor, training in supervision in one of the following:

1. through 5. No change.

(b) No change

(3) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-8.001 Disciplinary Guidelines
NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on the above-referenced rule to be held on Thursday, June 22, 2006, at 1:00 p.m., at the Department of Health, 4042 Bald Cypress Way, Room 310K, Tallahassee, Florida 32399. The rule was originally published in Vol. 32 No. 17, of the April 28, 2006, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-55.002 Citations
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 25, of the Florida Administrative Weekly on June 24, 2005, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-17.003 Competency and Knowledge
Requirements
THIRD NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 11 of the March 18, 2005 issue of the Florida Administrative Weekly. The changes reflect additional amendments to the proposed rule

that have been made since a Notice of Change was published in Vol. 32, No. 15 of the March 14, 2006 issue of the Florida Administrative Weekly. These additional changes were made to address concerns expressed by the Board. The additional changes were approved by the Board at its April 5, 2006 meeting. After the changes are made to the affected parts of the rule, those parts of the rule will read as follows:

Subsection (1)(c) of Rule 64B9-17.003 will now read as follows:

(c) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be eight hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, manufacturer package insert, and assessment and monitoring of the patient receiving the medication. The program must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-14.004 Disciplinary Guidelines; Range of
Penalties; Aggravating

NOTICE OF CORRECTION

This notice is hereby given that the date of the Notice of Proposed Rule Development was incorrectly published in the May 19, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 20.

The correct date for the publication of the Notice of Proposed Rule Development is: April 21, 2006.

The foregoing change does not affect the substance of the proposed rule.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-3.003 Licensure by Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 52, December 30, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-4.003 Licensure by Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 52, December 30, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-5.001 Requirements for Reactivation of an
Inactive or Retired License

NOTICE OF CHANGE

Notice is hereby given that the following substantial changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 4, of the January 27, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

Depending upon the time of reactivation, an inactive or retired license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for active license or the difference between the inactive or retired status renewal fee and the active status renewal fee, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) through (4) No change.

(5) Documented successful passage of the Laws & Rules examination.

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE NOS.: RULE TITLES:
64F-12.001 General Regulations; Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 32, No. 16, April 21, 2006, issue of the Florida Administrative Weekly. The changes are the result of comments received from the public during a

rule hearing held on May 15, 2006, or by E-mail, Facsimile transmission or by mail within the time frame allowed by the Department at the public hearing.

Paragraph (2)(m) of Rule 64F-12.001 shall now read as follows:

64F-12.001 General Regulations; Definitions.

(m) "Propagation" of a drug, as used under the definition of "manufacture" at Section 499.003(27), F.S., includes for purposes of permitting under Section 499.013, F.S., the holder or holders of a New Drug Application (NDA), an Abbreviated New Drug Application (ANDA), a Biologics License Application (BLA) or a New Animal Drug Application (NADA), provided that such application has become effective or is otherwise approved consistent with Section 499.023, F.S.; a private label distributor for whom the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; or the distribution point for the manufacturer, contract manufacturer or private label distributor whether the establishment is a member of the manufacturer's affiliated group or is a contract distribution site.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, 1-19-06, 2-14-06, _____.

Rule 64F-12.015. No change to rule text previously published on April 21, 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R. Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE NOS.: RULE TITLES:
64F-12.012 Records of Drugs, Cosmetics and
Devices
64F-12.025 Certification Authority and Digital
Signatures For Self-Authenticating
Pedigree

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., published in the Vol. 32, No. 16, April 21, 2006, issue of the Florida Administrative Weekly. The changes

are the result of comments received from the public during a rule hearing held on May 15, 2006, or by facsimile transaction and by email or by mail, within the time frame allowed by the Department at the Rule hearing held on May 15, 2006.

Paragraphs (2)(f) and (3)(k) of Rule 64F-12.012 shall now read as follows:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(2)(f) Inventory existing as of June 30, 2006.

A wholesale distributor permitted under Section 499.012, F.S., that has purchased a prescription drug on or before close of business June 30, 2006, without the pedigree required by Section 499.0121(6)(f), F.S., may distribute such drug provided the wholesale distributor submits to the department an inventory of such drugs no later than July 17, 2006, conforming to paragraph (2)(e) above and provided further that such drugs are otherwise in compliance with the provisions of Sections 499.001 through 499.081, F.S. Inventories shall be submitted to the Department in written form, email, facsimile, or electronic media excluding a web page. The Department will consider the submittal to be a trade secret as defined by Section 812.081(1)(c), F.S., provided that the sending wholesale distributor complies with the requirements of subsections 64F-12.021(1) and (2), F.A.C.

(3) Pedigree papers.

(k) Emergency Distributions. A wholesale distributor may distribute and a purchasing pharmacy or health care practitioner authorized by law to purchase prescription drugs may accept a prescription drug for which a pedigree that complies with Section 499.0121(6)(f), F.S., is not available, when the prescription drug is required immediately to treat a specific patient with a life-threatening medical condition or a medical condition that will result in serious bodily harm. A pharmacist for the purchasing pharmacy, or the health care practitioner, shall supply a statement to the supplying wholesale distributor(s) that the emergency meets this rule paragraph's requirements and the supplying wholesale distributor(s) must maintain such statement in compliance with the timeframes in Section 499.0121(6)(b), F.S. The supplying wholesale distributor must otherwise comply fully with all other applicable provisions of Sections 499.001 through 499.081, F.S., with respect to such drug.

Specific Authority 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.01, 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, 6-15-04, 8-2-04, 1-19-06.

Subsections (2) through (10) of Rule 64F-12.025 shall read as follows:

64F-12.025 Certification Authority and Digital Signatures For Self-Authenticating Pedigree.

There are no changes to subsection (1) of this rule as published in the April 21, 2006, edition of the Florida Administrative Weekly.

(2) The department will list on its website a Certification Authority that requests in writing to the bureau that it be so listed, if the request demonstrates:

(a) The Certification Authority meets the requirements set forth in the Federal Government Bridge Certification Authority Certificate Policy (FBCA CP), of the federal General Services Administration for "medium assurance" certificates, or comparable requirements.

(b) The Certificate Authority will issue two types of digital signatures, the status of which is ascertainable within the digital signature. One type of digital signature will indicate that the person to whom the digital signature is issued signs on behalf of a company that is lawfully permitted in Florida to engage in the unrestricted wholesale distribution of a prescription drug in or into Florida. The other type of digital signature will indicate that the person to whom the digital signature is issued signs on behalf of a company that is not lawfully permitted in Florida but is lawfully permitted in its resident state to engage in the wholesale distribution of prescription drugs, or is licensed in Florida under a restricted distributor permit.

(c) The Certification Authority requires at a minimum the following written documentation prior to granting a digital certificate to the person requesting a digital signature to sign an electronic pedigree:

1. Authorization from the establishment for whom the person is requesting a digital certificate that that person may sign pedigree papers on the establishment's behalf.

2. A valid, unexpired identification document which bears a photograph of the person requesting a digital certificate such as:

a. A passport issued by the United States, an immigration document issued by the Federal Government, or any document issued by an agency of the Federal Government or the Armed Services of the United States.

b. A passport issued by a foreign government if the passport includes or is accompanied by a document proving that the alien is lawfully in the United States, or

c. A document issued by a state or political subdivision if the issuing state or political subdivision prohibits the issuance of the identification document to an alien who is unlawfully in the United States, and the state or political subdivision requires independent verification of the records offered by the person to prove identity when applying for the identification document;

3.a. A copy of the state issued permit for the company's name and address for whom the person is requesting a digital certificate demonstrating authorization by the state of Florida to engage in the unrestricted wholesale distribution of prescription drugs in or into Florida, or

b. A copy of the state issued permit or license for the company's name and address for whom the person is requesting a digital certificate demonstrating authorization by the state in which the company resides to engage in the wholesale distribution of prescription drugs, or demonstrating authorization by the state of Florida to engage in the wholesale distribution of prescription drugs under a restricted distributor permit.

(d) The Certification Authority shall submit to the department a statement from an independent auditor confirming that the Certification Authority complies with the requirements of this rule and the applicable provisions of sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., so that a recipient of a pedigree signed with a digital signature issued by the Certification Authority can rely on the integrity of the digital signature.

(3) To remain listed as a Certification Authority on the department's website, the Certification Authority must submit a signed statement certifying to the department on an annual basis that it operates in accordance with the requirements of this section and has been audited by a qualified independent (from the operator of the Certification Authority) auditor on at least an annual basis. The Certification Authority must also submit a signed statement from an independent auditor that the Certification Authority complies with the requirements of this rule and the applicable provisions of sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C. This documentation must be submitted to the department by June 1 of each year in order to remain listed on the department's website as a Certification Authority for the next July 1 – June 30 period.

(4) If a Certification Authority proposes comparable requirements to the FBCA CP "medium assurance" certificates, the Certification Authority must provide a detailed crosswalk between the standards set forth for the FBCA CP "medium assurance" certificates and the proposed comparable requirements with a detailed explanation describing how the comparable requirements provide at least the same level of assurance as the FBCA CP standards.

(5) If any of the requirements in the FBCA CP differ from those set forth in this rule, the ones set forth in this rule shall prevail.

(6) If authorized by the affected establishments that lawfully purchase or receive prescription drugs to digitally sign their electronic pedigrees, an employee may be issued digital certificates for each such establishment or for multiple permits of a single establishment.

(7)(a) The loss, theft, or compromise of a private key or password must be communicated to the Certification Authority within 24 hours of discovery of the key's loss, theft, or compromise. Notification should promptly result in a request for revocation of the Certificate holder's digital certificate and must include sufficient information to uniquely identify the certificate holder. Revocation shall be effective upon issuance of the next Certificate Revocation List.

(b) During the lifetime of the certificate, the Certificate Authority must for each certificate issued verify the license status has not been suspended, revoked, or otherwise inactivated for the wholesale distribution of prescription drugs. The Certificate Authority must perform this check at least weekly. If it is found the license status has been suspended, revoked, or otherwise inactivated, then the Certificate Authority must issue a certificate revocation for all certificates issued effective the date of the license change.

(8) Either the certificate holder or the establishment shall request revocation of a certificate holder's digital certificate upon termination of the certificate holder's authorization to make digital signatures on behalf of the establishment. Notification should promptly request revocation of the certificate holder's digital certificate and must include sufficient information to uniquely identify the certificate holder. Revocation shall be effective upon issuance of the next Certificate Revocation List.

(9) The establishment is ultimately responsible for electronic pedigrees that have been digitally signed on its behalf.

(10) Until a Certification Authority can submit the audit required in paragraph (2)(d) or June 30, 2007, whichever is earlier, the Department will provisionally list a Certification Authority requesting to be listed on the Department's website as a Certification Authority, provided that the Certification authority submits the audit required by paragraph (2)(c) by June 15, 2007, and otherwise operates in accordance with the requirements of this rule. A digital certification issued by a provisionally listed Certification Authority must expire and be revoked on or before June 30, 2007. Any provisionally listed Certification Authority that has not submitted the audit required in paragraph (2)(c) by June 15, 2007, will be removed from the provisional list and may not operate as a Certification Authority under this section. Upon submission of the audit required by paragraph (2)(c), the Certification Authority will be listed without the provisional designation. Upon removal of the provisional designation, a Certification Authority must reissue all existing digital certificates.

Specific Authority 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rebecca Poston, R. Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin C-04 Tallahassee, Florida 32399, (850)245-4292.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.:	RULE TITLE:
69L-7.602	Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rulemaking that was published in the Vol. 32, No. 15, April 14, 2006, issue of the Florida Administrative Weekly (FAW).

The Notice erroneously neglected to have American Medical Association in the title for the 2006 ICD 9-CM Professional for Hospital and the Physician ICD 9-CM 2006.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
69N-121.007	Public Records and Availability of Forms; Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 32, No. 16, April 21, 2006, of the Florida Administrative Weekly, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
69O-137.001	Annual and Quarterly Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 32, No. 19, May 12, 2006, of the Florida Administrative Weekly, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
69O-138.001	NAIC Financial Examiners Handbook Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 32, No. 19, May 12, 2006, of the Florida Administrative Weekly, has been withdrawn.

Section IV Emergency Rules

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 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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 21, 2006, the Department of State filed the City of Hialeah's Petition for Variance of Section IX(H) of the Public Library Construction Grant Guidelines. The subject Guidelines are incorporated by reference into Rule 1B-2.011, F.A.C., and give a recipient of a Public Library Construction Grant, 540 days from the date of the grant award to place the construction project under contract, unless the recipient is involved in litigation. Notice of this petition was published in the April 14, 2006 issue of the Florida Administrative Weekly. On May 23, 2006, the Department of State entered an order disposing of this petition by granting the requested variance, and extending the deadline to enter into a construction contract by 90 days, or until June 30, 2006. The general basis for the Department of State's decision is that even though the petitioner exercised due diligence in meeting this deadline, hurricane response and recovery efforts required as a result of a series of hurricanes in the Fall of 2005, particularly Hurricane Wilma, significantly delayed the City of Hialeah's progress in meeting the subject deadline. Because the City would forfeit a \$500,000 grant if the Department of State literally applied the subject rule to the