

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-142.200 RULE TITLE: Military Sales (EX) WG

PURPOSE AND EFFECT: The purpose of this regulation is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.

SUBJECT AREA TO BE ADDRESSED: Unfair Trade Practices.

SPECIFIC AUTHORITY: 624.308, 626.6911 FS.

LAW IMPLEMENTED: 624.307, 626.9611, 626.9541 FS.

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

DATE AND TIME: Tuesday, May 1, 2007, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Sam Binnun, Market Investigation, Office of Insurance Regulation, E-mail Sam.Binnun@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Binnun, Market Investigation, Office of Insurance Regulation, E-mail Sam.Binnun@fldfs.com

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

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0081 RULE TITLE: Florida School Leaders Certification

PURPOSE AND EFFECT: This rule is amended to revise the certification levels for Educational Leadership and School Principals and to align requirements to the new principal leadership standards adopted by the State Board of Education.

SUMMARY: The rule is revised to reflect two levels of certification for school leaders and to align the rule to the principal leadership standards approved by the State Board of Education. Technical changes are also made.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Office of Equity and Access, (850)245-0513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, (850)245-0606

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0081 Florida School ~~Leaders~~ Principal Certification. The Florida school ~~leaders principal~~ certification program shall be performance-based and shall include ~~two three (3)~~ levels of certification based on demonstrated knowledge, performance, and results. The subject area examination required for issuance of the professional certificate as specified in Section 1012.56(4)(c), Florida Statutes, subparagraph 6A-4.004(1)(a)11., F.A.C., shall be a requirement for Level 1 Certification.

(1) Level 1 Certification shall be designated Educational Leadership. Requirements for certification in educational leadership are listed in Rule 6A-4.0082, F.A.C., and include successful demonstration of knowledge in each of the principal leadership standards eight (8) areas of public school administration as described in subparagraph 6A-4.0082 (2)(3)(a), F.A.C. Documentation of knowledge in each of the areas shall be by comprehensive written examination administered under the direction of the Department.

(2) Level 2 Certification shall be designated School Principal. Requirements for certification as school principal are listed in Rule 6A-4.0083, F.A.C., and include successful performance of the duties of the school principalship as

described in Rule 6A-4.0083, F.A.C. Documentation of successful performance shall be by a comprehensive performance appraisal system approved by the district school board and the Department.

~~(3) Level 3 Certification shall be designated Professional School Principal. Requirements for certification as professional school principal are listed in Rule 6A 4.0084, F.A.C., and require the applicant to achieve superior results for a period of three (3) years or more in the same district as described in Rule 6A 4.0084, F.A.C. Documentation of superior results shall be by a comprehensive performance appraisal system approved by the district school board and the Department.~~

~~(4)(5)~~ The term principal as used in Rules 6A-4.0081 through 6A-4.0085, F.A.C., means a person assigned responsibility for administrative direction and instructional leadership and supervision at an individual school as prescribed in Section 1012.01(3)(c)1, ~~228.041(10)(b)1~~, Florida Statutes. This does not include persons assigned these responsibilities in the role of assistant, intern, or interim principal.

~~(4)(5)~~ Educational Leadership may be shown on a temporary or professional certificate. School Principal ~~and Professional School Principal~~ may be shown on a professional certificate with other areas of certification or shown individually without other areas of certification.

~~(5)(6)~~ Certification coverage of school principal ~~and professional school principal~~ shall cover all positions covered by certification in administration, supervision, administration and supervision and educational leadership.

(6) This rule shall become effective July 1, 2007.

Specific Authority ~~1001.02, 1012.55, 1012.56 229.053(1), 231.15(1), 231.17(1)~~ FS. Law Implemented 1001.02, 1012.55, 1012.56 ~~231.02, 231.0861, 231.087(3)(e), 231.15, 243.17~~ FS. History—New 7-1-86, Formerly 6A-4.081, Amended 7-1-86, 10-31-88, 7-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beverly Gregory, Bureau Chief

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0082
 RULE TITLE: Specialization Requirements for Certification in Educational Leadership – Administrative Class

PURPOSE AND EFFECT: This rule amendment is necessary to implement new certification requirements based on the recently adopted principal leadership standards for Level I Educational Leadership certification.

SUMMARY: The rule amendments are proposed to update the certification requirements for Educational Leadership to align to the new principal leadership standards that have been approved by the State Board of Education. The current language and requirements are obsolete and are based on repealed statutes.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau Chief, (850)245-0606

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0082 Specialization Requirements for Certification in Educational Leadership – Administrative Class.

~~(1) Verification of three (3) years of successful teaching experience in an elementary or secondary school. Verification shall be by the chief executive officer of the school district, state supported school, or nonpublic school in which the teaching experience occurred.~~

(1)(2) A master's or higher degree awarded by an acceptable a standard institution as defined in Rule subsection 6A-4.003(4), F.A.C.

~~(2)(3)~~ Successful completion of the Florida Educational Leadership Core Curriculum.

(a) ~~The Educational Leadership~~ core curriculum consists of the following principal leadership standard areas: eight (8) areas of educational administration specified below:

1. Instructional leadership, Public School Curriculum and Instruction.
2. Managing the learning environment, Organizational Management and Development.
3. Learning, accountability, and assessment, Human Resource Management and Development.
4. Decision making strategies, Leadership Skills
5. Technology, Communication Skills
6. Human resource development, Technology.
7. Ethical leadership, Educational Law.
8. Vision, Educational Finance.
9. Community and stakeholder partnerships, and
10. Diversity.

(b) Documentation of successful completion of the Florida Educational Leadership Core Curriculum shall be by one (1) of the following plans:

1. Successful completion of a Department of Education ~~an~~ approved Florida preservice program in educational leadership offered by an acceptable a standard institution as defined in subsection 6A.4.003(1), F.A.C. A newly-created state institution that meets approval requirements described in Rule 6A-4.003, F.A.C. shall be considered as having met the accreditation requirement.
2. A graduate degree major in educational administration, administration and supervision, or educational leadership awarded by an acceptable a standard institution as defined in Rule subsection 6A-4.003(4), F.A.C.
3. A graduate degree with a major in a subject other than educational administration, administration and supervision or educational leadership, and successful completion of a Department of Education ~~an~~ approved modified Florida program in educational leadership offered by an acceptable a standard institution as defined in subsection 6A-4.003(1), F.A.C. A newly-created state institution that meets approval requirements described in Rule 6A-4.003, F.A.C., shall be considered as having met the accreditation requirement.
4. A graduate degree with a major in a subject other than educational administration, administration and supervision, or educational leadership awarded by an acceptable institution as defined in Rule 6A-4.003, F.A.C., and thirty (30) semester hours of graduate credit which includes credit in each of the principal leadership standard areas eight areas of educational administration specified in paragraph (2)(3)(a) of this rule and an internship or a course with associated field experience in educational leadership.

5. Successful completion of an Educational Leadership training program approved by the Department of Education and offered by a Florida public school district.

~~(4) Using the objective screening, selection, and appointment procedures of the district school board approved under Section 231.0861(2), Florida Statutes, persons holding certification in educational leadership, administration, or administration and supervision may be appointed to perform the duties of an intern assistant principal, assistant principal, intern principal or interim principal. A person holding the certification coverages listed above, school principal or professional school principal, may be appointed under district school board procedures to administrative positions which are not assigned to a school.~~

~~(5) Out-of-state experienced educational administrators who have a master's degree or higher in educational administration and supervision from a standard institution and who are employed for a district level position by a Florida school board shall be eligible for a temporary certificate covering educational leadership.~~

(3) This rule shall become effective July 1, 2007.

Specific Authority 1001.02, 1012.55, 1012.56 229.053(1), 231.15(3), 231.17(1), 236.0811(2)(a) FS. Law Implemented 1001.02, 1012.55, 1012.56 231.02, 231.0861, 231.087(3)(e), 231.145, 231.15, 231.17, 236.0811 FS. History—New 7-1-86, Formerly 6A-4.082, Amended 10-31-88, 9-12-89, 7-17-00, 7-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beverly Gregory, Bureau Chief
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0083
RULE TITLE: School Principal – Administrative Class

PURPOSE AND EFFECT: The rule revisions are necessary in order to implement new requirements for School Principal certification that are based on the principal leadership standards adopted by the State Board of Education.

SUMMARY: The rule amendment is proposed to update the requirements for School Principal certification to align to the new principal leadership standards. The current language and requirements are obsolete and based on repealed statutes.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0083 School Principal – Administrative Class.

To be eligible to receive certification as a school principal, an individual shall satisfy each of the following requirements:

(1) Hold a valid professional certificate covering educational leadership, administration, or administration and supervision.

(2) Document successful performance of the duties of the school principalship. These duties shall be performed in a Department of Education ~~an~~ approved district school principal certification program pursuant to Rule 6A-5.081, F.A.C. management training and development program designed and implemented consistent with the principal leadership standards approved by the State Board of Education with the program described in the publication titled, Preparing New Principals, 1985, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule. In addition, these duties shall:

(a) Be performed as a full-time employee of a district school board in a leadership position through which the candidate can fully demonstrate the competencies associated with the Florida Principal Leadership Standards. ~~and assigned to perform the duties of an assistant principal, intern principal, or an interim principal for a period of not less than one (1) full school year which is ten (10) months or more in length~~

(b) Be a formally planned professional development program designed and implemented to prepare the individual to effectively perform as ~~become~~ a school principal.

(c) Be comprehensive of all the duties of the school principalship.

(d) Be performed under the direct supervision of a currently practicing school principal or district manager who has been approved by the district school board to serve as the supervising principal or manager for this program.

(3) Demonstrate successful performance of the competencies of the school principalship standards which shall be documented by the Florida district school superintendent based on a performance appraisal system approved by the district school board and the Department pursuant to Rule 6A-5.081, F.A.C. ~~The performance appraisal system shall be~~

~~consistent with Guidelines for District Performance Appraisal Systems, January, 1985, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule. A comprehensive performance appraisal system:~~

~~(a) Has clearly stated purposes.~~

~~(b) Promotes individual and organizational growth.~~

~~(c) Is used for personnel decisions.~~

~~(d) Is fair, equitable and legally sound.~~

~~(e) Provides for negotiation of expectations in relation to situations.~~

~~(f) Values appraisee input.~~

~~(g) Requires planning, feedback, and coaching.~~

~~(h) Has procedures for collection and retrieval of data for decision making.~~

~~(i) Links rewards to performance.~~

~~(j) Establishes criteria for assessment.~~

~~(k) Provides training and orientation of participants.~~

(4) An individual who holds a valid Florida Educator's Certificate covering administration or administration and supervision issued prior to July 1, 1986 and served as a school principal prior to July 1, 1986 for not less than one (1) school year may apply for certification as a school principal under the provisions of Rule 6A-4.0085, F.A.C.

~~(5) Only individuals who meet the requirements for certification as a school principal shall be appointed by a district school board to the position of school principal; however, when deemed by the school board to be necessary and in the best interests of the students of the school, an individual who holds a certificate in educational leadership, administration or administration and supervision, including experienced out of state principals as provided by Section 231.0861(4), Florida Statutes, may on the basis of objective screening and appointment procedures as provided in Section 231.0861, Florida Statutes, be appointed as an interim principal for a period not to exceed one (1) year during which the individual must successfully demonstrate performance of the duties of the principalship as provided in subsection 6A-4.0083(2), F.A.C.~~

~~(6) Individuals who do not meet the requirements for certification as school principal but who hold valid certificates covering educational leadership, administration, or administration and supervision may, subject to the procedures established by each district school board, apply for vacancies of intern assistant principal, assistant principal, intern principal, interim principal, and other positions for which this certification coverage is valid.~~

~~(7) All principals, intern principals, and assistant principals appointed by each district school board shall be selected and appointed using an objective based process which documents that the applicant possesses the competencies necessary for successful performance of the duties as required~~

~~by Section 231.0861, Florida Statutes. The objective-based process for screening, selection, and appointment shall be consistent with Criteria for School District Screening, Selection, and Appointment Process for Principals and Assistant Principals, September, 1984, approved by the Florida Council on Educational Management, which is hereby incorporated and made a part of this rule.~~

(5) This rule shall become effective July 1, 2007.

~~Specific Authority 1001.02, 1012.55, 1012.56 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 1001.02, 1012.55, 1012.56 231.02, 231.0861, 231.087(3)(e), 231.15, 231.17 FS. History—New 7-1-86, Formerly 6A-4.083, Amended 7-1-86, 10-31-88, 7-1-07.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor, K-12 Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0084
RULE TITLE: Professional School Principal – Administrative Class

PURPOSE AND EFFECT: This rule is to be repealed as it is no longer consistent with current governing statutes. The effect is a consistency in rule and law.

SUMMARY: The Level III voluntary certification has not been issued. The proposed new certification structure for school leader certification is a two level model and does not include professional school principal.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0084 Professional School Principal – Administrative Class.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.15, 231.17 FS. History—New 7-1-86, Formerly 6A-4.084, Amended 10-31-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor, K-12 Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0243
RULE TITLE: Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class

PURPOSE AND EFFECT: The rule amendment is proposed to provide for acceptance of military foreign language education and training.

SUMMARY: It is proposed that completion of the Basic Program of the Defense Language Institute of the United States Department of Defense in a foreign language in which Florida offers certification be accepted for the specialization requirements for certification in the foreign language.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0243 Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class.

(1) Specialization requirements for the following modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in one of the modern languages listed in subsection (1) of this rule, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in one of the modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language,
2. Literature in the language, and
3. Applied linguistics or second language acquisition, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in one (1) of the modern languages as specified in paragraph (1)(a) or (b) of this rule, and twenty-one (21) semester hours in another one of the modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language, and
2. Literature in the language, ~~or~~

(d) Plan Four. A bachelor's or higher degree and official documentation of successful completion of the Basic Program of the Defense Language Institute of the United States Department of Defense in one of the modern languages listed in subsection (1) of this rule.

(2) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History--New 7-1-90, Amended 7-17-00, 4-17-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Deputy Chancellor K-12 Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cherie Pierson Yecke, Ph.D., Chancellor K-12 Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.030
 RULE TITLE: Instruction and Awards in Community Colleges

PURPOSE AND EFFECT: The purpose of the rule amendment is to define and formalize the Certificate of Professional Preparation as the appropriate credential for Educator Preparation Institute (EPI) program completers. Also to adopt the Florida Community College System Program Length Document as updated. The effect is a rule which incorporates the new credential for Educator Preparation Institute.

SUMMARY: Section 1004.85(3)(c), Florida Statutes, requires that a credential be provided to Educator Preparation Institute participants who successfully complete their programs of study. There is currently no existing credential or certificate that may be issued to baccalaureate degree holders who are preparing for a professional license such as the Florida Professional Teaching Certificate. The proposed amendment would define and formalize this process.

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

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

SPECIFIC AUTHORITY: 1001.02(9)(c), (d), 1001.02(1), 1001.03(12), 1004.02 FS.

LAW IMPLEMENTED: 1001.03(12), 1004.93, 1004.91 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ian Neuhard, Director of Academic Programs, Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9468

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.030 Instruction and Awards in Community Colleges.

Community colleges are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any degree program, certificate, or diploma program offered at a community college shall be offered at the established standard credit hour length. Revisions to the standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the Division of Community Colleges.

(2) Associate in science degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. ~~The programs shall not include courses classified as postsecondary adult vocational courses.~~ Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. ~~Effective with the Fall Term 2000,~~ The associate in science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of paragraph 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length of all associate in science degree programs shall be kept according to the Department of Education publication 2006-2007 Community College Programs with Standard Program Length which is hereby "Florida Community College System Program Length Document: 2003" incorporated herein by reference to become effective with the effective date of this rule. Copies may be obtained through the Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) Associate in Applied Science Degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. ~~The programs shall not include courses classified as postsecondary adult vocational courses.~~ Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. ~~Effective with the Fall Term 2000,~~ The associate in applied science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. The standard credit hour length of all associate in applied science degree programs shall be kept according to the Department of Education publication 2006-2007 Community College Programs with Standard Program Length. "Florida Community College System Program Length Document:

~~2003"~~ incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(4) through (6) No change.

(7) Certificate of Professional Preparation. Community colleges may provide college level professional instruction, consisting of not less than nine (9) and not more than thirty (30) credit hours of courses and course equivalent modules, to prepare baccalaureate degree holders for licensure, certification, credentialing, examinations, or other demonstrations of competency necessary for entry into professional occupations. Satisfactory completion of these courses and modules shall be recognized by the award of units of measure called institutional credit. Institutional credit is postsecondary credit that is competency-based and has been assigned an instructional level of zero. Institutional credit is not intended for transfer outside of the Florida Community College System. Upon satisfactory completion of a planned program that has been approved by the Department of Education, including the demonstration of competencies and the attainment of predetermined and specific performance requirements, and subject to law and rule, the certificate of professional preparation shall be awarded. If a community college is authorized to award a baccalaureate degree in the subject area of the certificate of professional preparation, then the college may award upper division college credit for such instruction in lieu of institutional credit.

(7) through (13) renumbered (8) through (14) No change.

Specific Authority 1001.02(1), (9)(c), (d), 1001.03(12), 1004.02 FS. Law Implemented 1001.03(12), 1004.91, 1004.93 FS. History—Formerly 6A-8.50, Repromulgated 12-19-74, Amended 8-27-84, 8-29-85, Formerly 6A-14.30, Amended 5-14-91, 11-10-92, 5-2-95, 2-13-96, 12-30-99, 5-3-01, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ian Neuhard, Director of Academic Programs, Division of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Judith Bilsky, Division of Community Colleges

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.0716 RULE TITLE: Community College Budgets

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide authority for community college boards of trustees to delegate approval of budget amendments for reallocation of funds between organizational units of a fund

and between general ledger object and class codes. The effect is to streamline administrative tasks at the community college level should the board of trustees choose to do so.

SUMMARY: This rule is amended to provide authority for community college boards of trustees to delegate approval of budget amendments for reallocation of funds between organizational units of a fund and between general ledger object and class codes.

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

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

SPECIFIC AUTHORITY: 1001.02(1), (9), 1011.01, 1011.30 FS.

LAW IMPLEMENTED: 1010.01, 1010.02, 1011.30, 1011.84, 1013.61 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maybelle Montford, Community College Budgets, Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-9468

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0716 Community College Budgets.

Each fiscal year, each community college shall prepare a budget in such form as prescribed by the State Board of Education for the Current Unrestricted Fund. Two copies of the budget approved by the board of trustees shall be submitted to the Chancellor, as designee of the Commissioner of Education, by June 30 or on a later date established by the Chancellor. The original or facsimile signature of the president on both copies shall certify board approval.

(1) The Chancellor, as designee of the Commissioner of Education, shall approve the operating budget for each community college after an examination for completeness, correctness, conformity with law and ~~rule~~, State Board of Education rules, guidelines and preparation according to accepted accounting standards. Anticipated budgeted revenues shall be reasonable and transfers from general current funds shall not handicap current operations. A contingency reserve is authorized in the general current fund.

(2) No change.

(3) Boards of trustees are authorized to amend budgets. Amended budgets are required to be in compliance with laws, rules and accepted educational accounting standards. Boards of trustees may, by rule, delegate authority for approval of budget amendments except as provided in subparagraphs (3)(b)1.,2., of this rule.

(a) Budget amendments approved pursuant to the authority granted in this subsection ~~by the board of trustees~~ may reallocate funds between organizational units of a fund and between general ledger object and class codes.

(b) through (4) No change.

Specific Authority 1001.02(1), (9), 1011.01, 1011.30 FS. Law Implemented 1010.01, 1010.02, 1011.30, 1011.84, 1013.61 FS. History--New 9-30-96, Amended 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maybelle Montford, Community College Budgets, Division of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Judith Bilsky, Division of Community Colleges

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.072 RULE TITLE: Financial Records and Reports

PURPOSE AND EFFECT: The purpose of the amendment is to update the accounting manual which all community colleges must follow relating to financial records. The effect is that each community college will have the most current requirements to ensure consistency in financial reporting and recordkeeping.

SUMMARY: This rule is amended to adopt the updated accounting manual.

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

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

SPECIFIC AUTHORITY: 1001.02(1), (9), 1010.01(1) FS.

LAW IMPLEMENTED: 1001.02(9), 1010.01 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Everett Condry, Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2007 2004," incorporated herein by reference. Copies may be obtained through the Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) through (3) No change.

Specific Authority 1001.02(1), (9), 1010.01(1) FS. Law Implemented 1001.02(9), 1010.01 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-30-01, 5-19-03, 7-20-04, _____.

~~Cf. Accounting Manual for Florida's Public Community Colleges.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Everett Condry, Division of Community Colleges
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Judith Bilsky, Division of Community Colleges
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.0734 RULE TITLE: Procurement Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide community college boards of trustees with the flexibility to increase competitive solicitation thresholds for the purchase of goods and services other than professional services as defined in Florida Statute 287.055, if they desire. It also allows them to exempt the requirement to solicit competitive offers for the purchase of services and commodities from buying cooperatives, if the contract was competitively bid.

SUMMARY: Current rule requires community colleges to solicit competitive offers from at least three (3) sources when purchasing commodities exceed the Category Two level of \$25,000. The Category Two level has not been changed since 1999. This rule amendment will allow community colleges boards to consider amending their local Board Rules to only require the solicitation of competitive offers from three sources, if the amount of the commodity or service purchase exceeds the Category Three level of \$50,000. In addition, current rule also only allows community colleges to exempt the requirement to solicit competitive offers from units or government established by law or from non-profit buying cooperative contracts that were competitively bid. This rule

amendment will allow purchases to be made by allowing community colleges to buy from cooperative competitively bid contracts.

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

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

SPECIFIC AUTHORITY: 287.017 FS.

LAW IMPLEMENTED: 287.017 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maybelle Montford, Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9372

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0734 Procurement Requirements.

(1) Colleges shall, as the circumstances require, publicly solicit the submittal of competitive offers from at least three (3) sources, when purchasing services or commodities exceeding the amount as specified in Section 287.017, Florida Statutes, for Category ~~Three~~ Two. Solicitations of competitive offers are defined as:

(a) "Competitive sealed bids", "competitive sealed proposals" or "competitive sealed replies", means the process of receiving competitive offers transmitted by secured electronic means or written bids, proposals, or replies.

(b) "Competitive solicitations" or "solicitations" means an invitation to bid, a request for proposal, request for quote, or an invitation to negotiate.

Boards of trustees may adopt smaller amounts beyond which to require the solicitation of competitive offers. The college president or designee reserves the right to reject any or all offers submitted in response to the college's solicitation, and/or solicit new offers as deemed in the college's best interest. When accepting responsive offers to the college's solicitations, colleges shall accept the lowest or best responsive offer. If other than the lowest or best offer meeting specifications is accepted, the college shall maintain a public record of the justification. Recommendation for awards not exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, may be approved or rejected by the president or a designee if such authority is delegated in policy adopted by the board of trustees. Recommendation for awards exceeding the Category Five threshold as specified in Section 287.017, Florida Statutes, shall be approved or rejected by the board of trustees.

(2) Exceptions to the requirement to solicit competitive offers are:

(a) Educational tests, textbooks, instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, graphic and computer based instructional software.

(b) Library books, reference books, periodicals, and other library materials and supplies.

(c) Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or ~~non-profit~~ buying cooperatives.

(d) through (4) No change.

Specific Authority 946.519, 1001.02(1), (9), 1001.65 FS. Law Implemented 1001.02(9), 1010.01, 1010.02 FS. History—Formerly 6A-8.121, Repromulgated 12-19-74, Amended 12-26-77, 6-12-83, 6-27-85, Formerly 6A-14.734, Amended 9-30-86, 11-12-91, 12-18-94, 6-18-96, 2-10-99, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maybelle Montford, Division of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Judith Bilsky, Division of Community Colleges

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.080
 RULE TITLE: Dr. Philip Benjamin Matching Program for Community Colleges

PURPOSE AND EFFECT: The purpose of this proposed new rule is to comply with Florida Statutes by establishing the requirements outlined for the Dr. Philip Benjamin Matching Program for Community Colleges.

SUMMARY: This rule establishes the certification process for private contributions.

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

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

SPECIFIC AUTHORITY: 1011.85 FS.

LAW IMPLEMENTED: 1011.85 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maybelle Montford, Division of Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9372

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.080 Dr. Philip Benjamin Matching Program for Community Colleges.

(1) Alignment with college Mission. Prior to receipt of state appropriations for this program, each community college board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the community college.

(2) Eligibility.

(a) Contributions which have been approved by the board of trustees must have been received by February 1. Contributions are defined as “an unconditional transfer by another entity.” Exchange transactions, in which each party receives goods or services of approximately equal value, are not contributions.

(b) For the purpose of Section 1011.85(6), Florida Statutes, “local funds” are defined as contributions from local government.

(c) Auxiliary funds are not contributions and are not eligible to be matched.

(d) The direct support organization must be in current compliance with Section 1004.70(6), Florida Statutes, regarding annual financial audits and their submission.

(3) Contributions. Contributions must be in cash defined as follows:

(a) Cash includes currency on hand, demand deposits with financial institutions, and other deposit accounts with similar characteristics (that is, the ability to deposit additional funds at any time and withdraw at any time without prior notice or penalty).

(b) All other types of contributions such as pledges that have not been paid, equipment, land, building, and art, must be converted to cash in order to be used for matching purposes.

(4) Unmatched Contributions. Contributions received in prior years that remain unmatched may be submitted for matching if evidence can be provided that the funds have not been match previously.

(5) Certification Process.

(a) Community college foundations requesting state appropriations under this program shall certify in an annual report to the State Board of Education the eligible cash contributions received by February 1 and previously unmatched by the state. Designations shall be included in the report identifying which funds are carry-forward and which are new contributions.

(b) Use of designations shall be included in the report certifying the following uses:

1. Scholarships, student loans, or need-based grants one hundred (100) percent match.

2. First Generation in College Scholarships one hundred (100) percent state match.

3. Other Eligible Uses. Match four (4) dollars state funds to six (6) dollars contributed funds.

(c) Certification form must include a statement of alignment with the college mission.

(d) As specified in Section 1011.85(4)(c), Florida Statutes, the audit for each foundation receiving state funds from this program must include a certification of accuracy in the amount reported for matching funds.

(6) Expenditures. Uses of proceeds under this program shall be in accordance with Section 1011.85(11), Florida Statutes. A foundation may spend the contributions after the use is approved by their board of trustees and before the state matching funds are receipted. Funds for the First Generation in College Scholarships shall not be endowed.

(7) Expenditure Report. Section 1011.85(4)(b), Florida Statutes, requires the colleges to submit to the State Board of Education an annual expenditure report tracking the use of all matching funds. The Community College Office of Budget and Financial Services annually provides the format for submission of this expenditure report.

Specific Authority 1011.85 FS. Law Implemented 1011.85 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maybelle Montford, Division of Community Colleges
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Judith Bilsky, Division of Community Colleges
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.028 RULE TITLE: Reimbursement Premium Formula
 PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2007-2008 contract year.
 SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2007-2008 contract year.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) FS.

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

DATE AND TIME: May 14, 2007, 1:00 p.m. – 4:00 p.m. (ET)
 PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons, (850)413-1349. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

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

(j) For the 2007-2008 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2007 Ratemaking Formula Report to the State Board of Administration of Florida, March 20, 2007" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 3, 2007, are hereby adopted and incorporated by reference in Form FHCF-Rates 2007, "Florida Hurricane Catastrophe Fund Proposed 2007 Rates, March 20, 2007." These incorporated documents may be obtained directly from the SBA website, www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

(4) through (5) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History--New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-02-03, 7-29-04, 7-17-05, 7-06-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane
 Catastrophe Fund, State Board of Administration of Florida
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: The Trustees of the State Board of
 Administration of Florida
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 3, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 5, 2007, Vol. 33, No. 1

STATE BOARD OF ADMINISTRATION

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

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

SUMMARY: The amendments to Rule 19-15.001, F.A.C.,
 address the changes made to the Insurance Capital Build-Up
 Incentive Program during the 2007 Special Legislative
 Session, to provide a street address for delivery of documents,
 to clarify the due date for the quarterly net written premium
 report and to remind applicants of the public records laws.

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

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

SPECIFIC AUTHORITY: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595(2), (3), (4), (5), (6), (7) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A HEARING WILL BE SCHEDULED AND
 ANNOUNCED IN THE FAW.

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in this workshop/meeting is asked to advise the
 agency at least 5 days before the workshop/meeting by
 contacting Donna Sirmons, (850)413-1349. If you are hearing
 or speech impaired, please contact the agency using the Florida
 Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770
 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.
 (1) through (2)(d) No change.

(e) An Insurer may qualify and be eligible for
 consideration under this Program provided that the Insurer
 contributes New Capital and commits to meeting the Minimum
 Writing Ratio for the term of the Surplus Note. Additionally,
 the Insurer’s Surplus, New Capital contribution, and Surplus
 Note must total at least \$14 million for those Insurers writing
 only manufactured housing policies, must total at least \$50
 million for other Insurers, and all the Insurers must submit the
 application as adopted under this Rule within the time frames
 referenced in Section 215.5595(2)(b), F.S.

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

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

(3) through (3)(g) No change.

(h) “Minimum Required Surplus” means, for purposes of
 this Program, that the Insurer’s total Surplus, after the issuance
 of the Surplus Note and New Capital contribution equals at
 least \$14 million for Insurers writing only manufactured
 housing policies and \$50 million for all other Insurers.

(i) “Minimum Writing Ratio” means a 2:1 ratio of Net
 Written Premium to Surplus except as to a newly formed
 Insurer writing only manufactured housing policies. The
 “Minimum Writing Ratio” for an Insurer writing only
 manufactured housing policies shall be the ratio provisions
 provided in Section 624.4095, F.S.

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

(c) Insurers must submit a completed application including
 supplying all the required documentation to the Board. The
 application Form, SBA 15-1, rev. /07new 2/07, is hereby
 adopted and incorporated by reference into this Rule. This
 Form is available on the Board’s website, www.sbafla.com,
 under “Insurance Capital Build-Up Incentive Program,” then
 “Application.”

(d) Prior to the time the application, Form SBA 15-1, rev.
 /07new, 2/07, is submitted, the Insurer must review and
 accept the terms of the Surplus Note, Form SBA 15-2,
rev. /07new 2/07, which is hereby adopted and incorporated

by reference into this Rule. The Surplus Note is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program,” then “Surplus Note.”

(e) The principal amount of the Surplus Note issued to any Insurer or Insurer group, other than an insurer writing only manufactured housing policies may not exceed \$50 million. The principal amount of the Surplus Note issued to any Insurer or Insurer group writing only manufactured housing policies may not exceed \$7 million.

(f) For Insurers, other than those writing only manufactured housing policies, an Insurer’s Surplus, New Capital, and the Surplus Note must total at least \$50 million as a result of participating in the Program. For an Insurer writing only manufactured housing policies, the Insurer’s Surplus, New Capital, and the Surplus Note must total at least \$14 million as a result of participating in the Program.

(g) through (h) No change.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, rev. /07new 2/07, which is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program,” then “Quarterly Net Written Premium Report.”

(j) through (6)(a) No change.

(b) The type of insurance written. All other prioritization factors being equal, preference will be given to Insurers writing only manufactured housing policies.

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

~~(d)(e)~~ An Insurer’s financial strength.

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

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

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

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

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

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

(7) Additional Information.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, rev. /07new 2/07, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) through (9)(a)1. No change.

(9)(a)2. Failure to submit quarterly filings of Form SBA 15-3, rev. /07new 2/07, to the Office.

3. through (9)(c) No change.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c), (d), (e), (g) FS. History–New 2-22-07, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007, Vol. 33, No. 5

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.019
 RULE TITLE: Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC2-901, Training Attendance Report, to add a column for an employee identification number.

SUMMARY: Amends the rule to modify Form DC2-901, Training Attendance Report, to add a column for an employee identification number.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) Form DC2-901, Training Attendance Report, effective ~~12-17-06~~.
- (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Trisha Redd, Bureau Chief, Bureau of Policy Development
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

| | |
|------------|--------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 60H-1.003 | Standard Lease Agreement Form |
| 60H-1.015 | Leases of 5,000 Square Feet or More |
| 60H-1.017 | Turnkey (Lease) Construction Program |
| 60H-1.022 | Prior Approval of Space Need |

PURPOSE AND EFFECT: These rule amendments are intended to modify the rules to meet the Joint Administrative Procedures Committee objections. No agency may lease a building or any part thereof unless prior approval of the lease conditions and of the need therefore is first obtained from the Department of Management Services. See, Section 255.25(2)(a), F.S. This rule amendment corrects subsections 60H-1.003(3), 60H-1.017(2), and 60H-1.022(2), F.A.C., which currently permit agencies to enter leases without receiving active approval by the Department of Management Services. Also this rule amendment corrects subparagraph 60H-1.015(1)(b)5., F.A.C., to ensure that extensions are approved by the Department of Management Services when in the best interest of the state. See, Section 255.25(3)(b), F.S.

SUMMARY: Subsections 60H-1.003(3), 60H-1.017(2), and 60H-1.022(2), F.A.C., are being amended to remove the 10 day passive approval provisions contained therein so as to require active approvals by the Department of Management Services prior to the leasing of space. Also subsection 60H-1.015(1), F.A.C., is being amended to provide for approval by the

Department of Management Services of lease extensions for leases 5,000 square feet or more, if such extensions are determined to be in the best interest of the state.

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

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

SPECIFIC AUTHORITY: 255.249(4) FS.

LAW IMPLEMENTED: 255.249, 255.25 FS.

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

DATE AND TIME: May 14, 2007, 9:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 360K, Tallahassee, Florida 32399-0950
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Spencer Kraemer, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, spencer.kraemer@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department of Management Services' Standard Lease Form (FM Form 4054, effective August 11, 1975, as revised May, 2001, incorporated by reference in this rule).

(2) No provision of the Standard Lease Agreement may be changed or additional covenants or conditions added thereto without the prior written approval of the Division's director except for articles relating to lessor furnishing janitorial services, replacing light bulbs, and paying utility charges. Any agency request for changes or additions to the Standard Lease Agreement shall be submitted to the Bureau in writing and state with reasonable particularity why the change or addition is necessary and in the best interest of the State. Unless the Division director's approval has been obtained in accordance with this rule, any such change or addition shall be null and void.

(3) Certificate of Compliance. Within 30 days after executing a lease of less than 5,000 square feet of space within a privately or publicly owned building, the agency head shall file with the Bureau on a form provided by the Bureau (FM 4113, effective May 1996, as revised January, 2003 and January, 2004, incorporated by reference in this rule) a certificate stating that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. The

certificate shall further state that the agency has determined that the lease is in the best interest of the State. As used in this section the phrase “the best interest of the state” shall mean:

(a) The agency has filed a Request for Prior Approval of Space Need pursuant to Rule 60H-1.022, Florida Administrative Code, and ~~either:~~

1. The Division has approved the Request ~~or has not responded to the agency’s request within 10 working days of receipt of the request; and or~~

2. If state owned space is available in the same geographic region, the agency has enunciated reasons why such space would not enable the agency to fulfill its statutory duties;

(b) The rental rate for the space in the privately owned building is within the rental rate guidelines established by the Bureau;

(c) The space to be leased is the most cost effective space available to meet the agency’s needs.

(4) Exceptions. This rule shall not apply to:

(a) Any agency lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

(b) Any agency lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$1.00 or less. Nominal or no consideration leases shall be filed with the Bureau on a form provided by the Bureau (FM Form No. 4108, effective July 1995, as revised January, 2003, incorporated by reference in this rule).

(5) Change of Ownership. If ownership of a leased facility changes during the term of the lease, the Bureau of Property Management must be furnished certain pertinent information; i.e., a copy of the deed or other legal document effecting transfer of facility and disclosure form (FM Form No. 4114, effective June 1995, as revised January, 2003, incorporated by reference in this rule) completed by the new owner.

(6) Trailer, Mobile Unit or Hangar Space. A lease of any square footage for any purpose in a “trailer” or mobile unit must have prior approval of the Division of Motor Pool, Department of Management Services. Prior to leasing privately owned hangar space, an agency must provide the Bureau with a statement from the Division of Motor Pool that no state owned hangar space is available.

Specific Authority 255.249(5), 255.25(2) FS. Law Implemented 255.249(2)(j), (k), (3), 255.25(2)(a), (b) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03, 4-27-04,_____.

60H-1.015 Leases of 5,000 Square Feet or More.

(1)(a) No agency shall enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement of competitive solicitations. No agency shall enter into, within any 12-month period, more than one

lease for space of a total of 5,000 square feet or more in the same privately owned facility or complex except upon the solicitation of competitive responses.

(b) Exceptions:

1. This rule shall not apply to renewal of leases pursuant to Article XX of the Standard Lease Agreement.

2. This rule shall not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

3. This rule shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$1.00 or less per year.

4. This rule shall not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons, provided the agency has filed with the Bureau a certificate of exemption demonstrating that the lease is exempt from competitive solicitation under Section 255.249 or 255.25, Florida Statutes.

5. The Division ~~will~~ may approve extensions of an existing lease of 5,000 square feet or more space if such extensions are determined by the Division to be in the best interest of the state ~~fit the needs of the agency~~, but in no case shall the total of such extensions exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, and the agency still needs space, the agency shall solicit competitive responses in accordance with this chapter. All agency requests for an extension under this clause shall be submitted in writing to the Bureau within a reasonable period of time before a lease is to end. The agency shall furnish a statement of justification for the extension. The Division Director shall review the request and issue a written decision.

6. An agency may enter into a modification of a lease for less than 5,000 square feet to increase the square footage if the modification is upon the same terms and conditions of the approved lease, provided the total additional square footage of the lease modification is less than 5,000 square feet. An agency may enter into, within any 12-month period, more than one modification of a lease for 5,000 square feet or more to increase the square footage, provided the total space acquired by modification within the 12-month period is less than 5,000 square feet.

7. Notwithstanding subparagraph 5. above, an agency may enter into a replacement lease or may renegotiate the terms and conditions of an existing lease for more than 5,000 square feet upon approval by the Division Director, if the replacement lease or modification is in the best interests of the state and complies with the requirements established in Section 255.25(3)(b), Florida Statutes.

(2) Solicitation.

(a) A public solicitation for responses will be widely publicized using newspapers (a minimum of twice, with a week between notices) and personal contact with owners, developers or licensed real estate brokers in the city or area in which space is desired.

(b) Solicitation shall set forth the following:

1. Approximate net square footage required.
2. General area in which space must be located.
3. Date space must be available.
4. Name and address where specifications may be obtained.

(3) Specifications.

(a) Specifications shall be drawn in general terms. They shall afford each prospective lessor interested in submitting a response, knowledge of the agency's space requirements. They shall not be structured with the intent to favor any specific location or lessor.

(b) Specifications provided to each prospective lessor should set forth the following:

1. Approximate net square footage required, to be measured in compliance with the Department of Management Services' Standard Method of Space measurement, pursuant to subsection 60H-2.003(2), Florida Administrative Code, and taking into consideration the Department of Management Services' Space Allocation and Configuration Standards provided in Rule 60H-2.0022, Florida Administrative Code.

2. An approximate floor plan of space needed showing partitioning and other physical requirements.

3. General location of required space.

4. Date space must be available.

5. Term of lease with option to renew, if desired.

6. Services required to include parking, dining and transportation requirements.

7. Acceptable Energy Performance Index as defined in Section 255.253, Florida Statutes.

(c) Specifications shall also set forth that the prospective lessor will agree to:

1. Enter into a contract on a Department of Management Services' Standard Lease Agreement form.

2. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.

3. Comply with the requirements of Chapter 60D-1, Florida Administrative Code, Design Standards for Special Facilities for the Physically Disabled, if awarded lease.

4. Be an Equal Opportunity Employer and certify same.

5. Provide Full Disclosure Statements of Ownership if awarded lease (Rules 60H-1.025 and 60H-1.026, Florida Administrative Code).

6. Validate the response for a minimum of thirty (30) days following the public response due date.

7. Provide a Life Cycle Analysis with the response if space is for 20,000 or more square feet in any one structure, with the understanding that the analysis shall be acceptable before an award can be made (Section 255.254, Florida Statutes).

8. Ensure that the facility will comply with the minimum stated level of acceptable energy performance index.

9. Comply with the uniform fire safety standards of the Division of the State Fire Marshal if awarded lease.

10. Ensure that any renovations required will comply with the uniform fire safety standards of the Division of the State Fire Marshal before renovations are commenced (Section 255.25(5), Florida Statutes).

11. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

12. Provide the legal description (metes and bounds; plat; Government Survey System) of property being offered (subject to award) as well as the general description (that type of description, room number, building name, street address, currently being provided on the Lease Agreement) of the facility.

(d) Specifications shall provide a date and time in which responses are to be submitted to a designated individual. An announcement of award shall be posted following negotiations with respondents.

(e) Suggested formats and guidelines for specifications may be obtained from Bureau of Property Management, Department of Management Services.

(4) Responses.

(a) Responses shall specifically respond to each item included in the specifications.

(b) Each response shall be signed by the owner(s), or corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the response is signed by an agent, written evidence of his authority must accompany the response. If a corporation foreign to the State of Florida is the owner, written evidence of authority to conduct business in Florida must accompany the response. Lessor must include proof of the lessor's authority to offer the facility, i.e., copy of lessor's option to purchase (if the lessor is not the owner or owner's representative). This option must be valid through the time period stated in the solicitation for which responses may not be withdrawn.

(5) Evaluation.

(a) The user agency, in conjunction with its designated representative, shall reserve the right to accept or reject any or all responses submitted and if necessary reinitiate procedures for soliciting competitive responses. The user agency, in conjunction with its designated representative, shall reserve the right to negotiate with competing lessors.

(b) The user agency, in conjunction with its designated representative, in preparing specifications, shall develop evaluation criteria which shall be included in the competitive solicitation. Rental, using total present value methodology for basic term of lease and applying the present value discount rate pursuant to Rule 60H-1.029, Florida Administrative Code; the cost of relocation, if any; consolidation of activities, if desirable; and any other factor deemed necessary should be considered.

(c) The evaluation shall be made by the user agency in conjunction with its designated representative.

(d) Selection shall be made by the user agency, in conjunction with its designated representative.

(e) Documentation to support the selection shall be maintained by the user agency, in conjunction with its designated representative, and shall include the following:

1. A copy of all advertisements and solicitations.
2. A copy of the proposed specifications.
3. A copy of all proposals received.
4. A synopsis of the user agency's findings for each response.

(f) Selection shall be publicly announced by the user agency, in conjunction with its designated representative at the time and manner designated in the solicitation.

(6) Lease preparation and approval.

(a) After the selection has been announced, a lease shall be properly executed by the lessor and the user agency and submitted to the Bureau for approval.

(b) Documentation to be submitted for lease approval shall include:

1. A copy of the competitive solicitation and a copy of the response made by successful lessor.
2. A synopsis of the user agency's findings made in conjunction with its designated representative for all responses received.
3. Present value calculations for all responses.

Specific Authority 255.249(4) FS. Law Implemented 255.249(2)(b), (4), 255.21, 255.25(3), (5), 255.254 FS. History—New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, 4-27-04, _____.

60H-1.017 Turnkey (Lease) Construction Program.

(1) Concept. The turnkey system is a concept whereby the builder is usually a commercial developer and the procedure should provide for design of the building by the developer's architect on the basis of performance specifications, concurrent design review, use of a developer-owned site and private financing.

The turnkey system may include several features which can be expected to motivate effective performance. Under this system, the entire design and construction effort is usually carried out by a developer. A major motivation is the requirement that he finance the project until the building is accepted. This provides

an incentive to expedite construction in order to minimize the cost of financing. A further motivation is the fact that the State will not accept the building if it does not meet the requirements of the performance specifications. It is recommended that the turnkey (lease) construction system be used whenever and wherever State User Agency need arises and a determination has been made that existing space is not available. To implement use of this system, the Department of Management Services requires the User Agency or its designated representative to set forth its program construction requirements in a competitive solicitation, which will then be used by the User Agency or its designated representative in the solicitation of responses from Developers. A public solicitation of responses from Developers will be made by the User Agency or its designated representative. This solicitation will be widely publicized using newspapers, trade papers, and personal contact with leading Developers in the project city or area. In carrying out the public solicitation, all parties should be clearly informed that the User Agency, in conjunction with its designated representative, may conduct extensive negotiations with each Developer submitting a response within a competitive range, prior to the selection of Approved Developer.

(2) Criteria. The State User Agency in conjunction with its designated representative will perform the program in accordance with the Department of Management Services' guidelines, as presented herein.

User Agency Responsibilities:

- (a)1. Agency shall determine and then establish the functional and staff need for a given facility;
2. Agency shall certify that it has filed a Request for Prior Approval of Space Need pursuant to Rule 60H-1.022, Florida Administrative Code, and ~~either;~~
 - a. The Division has approved the request ~~or has not responded to the agency's request within 10 working days of receipt of the request; and or~~
 - b. If state owned space is available in the same geographic region the agency has enunciated reasons such space does not satisfy the need.

3. Agency notifies the Department of Management Services, in a letter of transmittal, of their intent to seek lease-build proposal(s), based on subparagraphs 1. and 2. above.

(b) Agency prepares performance specifications, optimum site and building requirements, unique planning information, Standard Lease Agreement form (FM Form No. 4054), and the intended User's program to be submitted (distributed) to all Developers.

(c) Agency advertises, setting forth pertinent means by which Developers may obtain building specifications. (The following two (2) paragraphs exemplify a suggested advertisement.) Responses are requested from responsible Developers interested in developing a site and building,

containing ___ net usable square feet, for the purpose of leasing the building and its site to the State of Florida, the site of the building which is to be located in the ___ (Delineated Area), ___ (City), ___ (State). All program requirements and instructions shall be furnished to all interested Developers at ___ (Location or Street Address), ___ (City), ___ (State). The building is to be used as: ___ (User Agency/Function).

(d) Agency will advise Developers that responses submitted should be based on private financing and that no State payments for use of space being developed will be made to the Developer prior to final acceptance and approval of the completed building and its site, in accordance with the terms and conditions set forth in the Department of Management Services' Standard Lease Agreement form.

(e) Agency will advise that if a Developer is interested in developing a structure for the purpose indicated and in leasing the building and its site to the State of Florida, the Developer should submit his best response or responses by ___ (Time), ___ (Date), to the ___ (Department), ___ (Location or Street Address), ___ (City), ___ (State).

(f) The User Agency will set the response period depending upon the complexity of the needed facility. The Developer's requirements as requested by the User Agency and the Department of Management Services:

1. Agreement to enter into a lease-build contract on the Department of Management Services' Standard Lease Agreement form setting forth the terms and conditions therein.

2. Intent to furnish 100% Performance Bond if response is accepted.

3.a. Complete and satisfactory evidence of ownership;

b. Local tax assessor's appraisal of the site;

c. A site survey; and

d. The Developer's estimated valuation cost of construction \$___ per square foot, for ___ gross square feet, and provide a statement of rental rate per square foot, including necessary maintenance and operations costs.

4. Completion date (the date that the building will be offered to the State for acceptance), contingent upon Developer's Authorization to Proceed.

5. Developers shall indicate the period of time that a response will remain open; such period shall be a minimum of 60 days.

6. Site improvement information shall include the following:

a. Grading outside buildings;

b. Sanitary and storm sewers;

c. Landscaping;

d. Paving and retaining walls;

e. Water;

f. Gas and electric distribution systems; and

g. Extraordinary excavation and/or foundations.

7. Building information which will enable the Division of Facilities Management to review both the functional and aesthetic aspects of the building including:

a. Floor plans showing proposed utility core, office space, public space, corridors and parking areas (scale 1" equals 8').

b. Elevations and cross sections of buildings indicating exterior material and colors (scale 1" equals 8').

8. A response submitted by a Developer shall be signed by the Developer or his duly authorized representative. Corporate, trade, or partnership titles may be stamped, written or type-written, but the actual signature of the authorized representative must appear on the response. If the response is signed by an agent, evidence of authority of the agent to sign must accompany the response. Evaluation of responses will be made by the User Agency in conjunction with its designated representative on the basis of price, design, characteristics of construction, completion date, location (including environment or characteristics of surrounding neighborhood), public transportation availability, availability of parking facilities, and availability of satisfactory dining facilities, and conformance to the User Agency program, performance specifications, and floor layout plan, and any other subjective criteria. The User Agency or its designated representative then presents the entire "project review package" to the Division of Facilities Management.

The project review package shall contain:

a. A letter of transmittal setting forth:

(i) The fact that "this is a lease-build response," and

(ii) Functional and staff justification as to the facility's necessity.

b. Proof of Advertisement.

c. A list of the responses to the advertisements.

d. Set of the User Agency's program, any unique planning information, performance specifications (building and site). Site description and/or delineated area, floor layout plan, and property appraisal.

9. All responses submitted to the User Agency must be in accordance to guidelines developed.

10. User Agency's recommendation with justification. The Division of Facilities Management will review the project. If it concurs with the User Agency's recommendation, it will give approval and return to the User Agency for execution. The User Agency and the Department of Management Services must be in joint agreement on the response before approval is granted.

A physical inspection of completed buildings and sites will be made by the various User Agencies who will, in turn, supply the Division of Facilities Management with a Certificate of Acceptance, and a certificate citing the date of occupancy.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1), (2)(a) FS. History--New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, 4-27-04,_____.

60H-1.022 Prior Approval of Space Need.

The Division shall not authorize any agency to enter into a lease agreement in a privately owned building when suitable space is available in a state owned or other publicly owned building located in the same geographic region, unless the agency files with the Bureau a statement explaining why the public space does not fit the needs of the agency. If the Division director approves the request, ~~or does not respond to the agency's request within 10 working days of receipt of the request,~~ the agency may then proceed to:

- (1) Negotiate a lease for space in a state owned or other publicly owned building.
- (2) Negotiate a lease for private sector space of less than 5,000 square feet.
- (3) Issue competitive solicitations in accordance with Chapter 255, Florida Statutes, and this chapter, in a privately owned building. The term "state owned or other publicly owned building" as used in this section means any state owned or other publicly owned facility regardless of use or control.
- (4) Negotiate a lease of any size for the purpose of providing care and living space for persons.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(2)(b), (3), (4) FS. History—New 3-18-86, Formerly 13M-1.022, Amended 2-21-96, 5-13-03, 4-27-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Spencer Kraemer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda H. South, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.002
RULE TITLE: Application for Certification by Examination; Reexamination

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to delete language concerning the deadlines for receiving correspondence, requests, information or other documents pertinent to the application.

SUMMARY: Language concerning deadlines for receiving correspondence, requests, information, or other documents pertinent to the application, will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.511 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.002 Application for Certification by Examination; Reexamination.

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination. ~~Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board.~~ Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454, Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

(2) through (3) No change.

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History--New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03, 1-23-05, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

| | |
|--------------|--|
| RULE NOS.: | RULE TITLES: |
| 61G15-22.005 | Non-Qualifying Activities |
| 61G15-22.011 | Board Approval of Continuing Education Providers |

PURPOSE AND EFFECT: For Rule 61G15-22.005, F.A.C., it is to add an additional category of activities that do not qualify as Professional Development Hours. For Rule 61G15-22.011, F.A.C., it is to eliminate the requirement of no financial or commercial interest for continuing education providers in technology which is the subject of instruction.

SUMMARY: In Rule 61G15-22.005, F.A.C., an additional category of activities that do not qualify as Professional Development Hours is added. In Rule 61G15-22.011, F.A.C., the requirement of no financial or commercial interest for continuing education providers in technology which is the subject of instruction is eliminated.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.005 Non-Qualifying Activities.
Activities that do not qualify as Professional Development Hours include but are not limited to the following:

(1) through (8) No change.

(9) Courses the content of which is below the level of knowledge and skill that reflects the responsibility of engineer in charge.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended _____.

61G15-22.011 Board Approval of Continuing Education Providers.

(1) No change.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S. ~~The continuing education provider shall not have any financial or commercial interest, direct or indirect, in any technology that is the subject of the instruction.~~

(3) through (9) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that allows pro bono services to be credited toward continuing education requirement.

SUMMARY: The rule amendment will delete the provision of the rule that allows pro bono services to be credited toward continuing education requirement.

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

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

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) No change.

(2) A licensee shall not be required to complete continuing education for the first renewal of licensure. For each subsequent renewal:

(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 shortage 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. A licensee shall make application for prior approval of pro bono services by sending a letter to the Board indicating the following requirements will be met:

a. ~~The site for these services is identified including information about the clients, the therapeutic services that will be offered and how they will be performed.~~

b. ~~The services will be those which fall within the normal scope of practice for the licensee's profession and for which compensation normally would be received.~~

c. ~~A therapeutic contract will be established between licensee and client(s) and each party will be aware the services are being provided without charge.~~

d. ~~The services will be subject to all the legal responsibilities and obligations related to the licensee's profession.~~

e. ~~The licensee will keep records and files of these client services pursuant to the laws and rules of Chapter 491, F.S., and rule Chapter 64B4, F.A.C.~~

f. ~~A representative from the site for pro bono services must provide a letter stating these services are to be performed by the licensee.~~

g. ~~Upon review, the licensee will receive a letter from the Board indicating prior approval for these pro bono services that will be done for continuing education credit.~~

2. Following completion of such services:

a. ~~The licensee must provide the Board a letter stating that the services were performed as planned.~~

b. ~~The representative on the site must provide a letter indicating such completion.~~

c. ~~The licensee will be sent a letter from the Board stating the pre approved number of hours has been satisfied for these services.~~

(3) through (5) No change.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law Implemented 456.013(6), (7), 456.031(1)(a), 491.007(2) FS. History--New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001 Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-9.001
 RULE TITLE: Requirements for Client Records
 PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify how long a notice should be published prior to destruction of client records.

SUMMARY: The rule amendment will add language to clarify how long a notice should be published prior to destruction of client records.

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

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

SPECIFIC AUTHORITY: 456.058, 491.004(5), 491.0148 FS.
 LAW IMPLEMENTED: 456.058, 491.009(2)(s), 491.0148 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-9.001 Requirements for Client Records.

(1) through (2) No change.

(3) When a clinical social worker, marriage and family therapist, or mental health counselor terminates practice or relocates and is no longer available to clients or users, the clients or users shall be notified of such termination or relocation and unavailability by the licensee's causing to be published in the newspaper of greatest general circulation in the county in which the licensee practices or practiced, a notice which shall contain the date of termination or relocation and an address at which the licensee's client or user records are available to the client, user, or to a licensed mental health professional designated by the client or user. The notice shall appear at least once a week for 4 consecutive weeks. The records shall be retained for 2 years after the termination or relocation of the practice.

(4) No change.

Specific Authority 456.058, 491.004(5), 491.0148 FS. Law Implemented 456.058, 491.009(2)(s), 491.0148 FS. History--New 5-8-90, Formerly 21CC-9.001, 61F4-9.001, 59P-9.001, Amended 2-11-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

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"

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

SUMMARY: The rule amendment will delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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 a 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.

(4) No change.

Specific Authority 491.004(5), 491.005(1)(c) FS. Law Implemented 491.005(1)(c) FS. History—New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, 8-8-99, 6-14-05, 7-16-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

SUMMARY: The rule amendment will delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

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

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

SPECIFIC AUTHORITY: 491.003(3), 491.004(5), 491.005(3)(c) FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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 (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. through 3. No change.

(4) No change.

Specific Authority 491.003(3), 491.004(5), 491.005(3)(c) FS. Law Implemented 491.005(3)(c) FS. History–New 7-6-88, Formerly 21CC-21.007, Amended 1-9-94, Formerly 61F4-21.007, Amended 12-29-96, Formerly 59P-21.007, Amended 8-8-99, 6-14-05, 7-16-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

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 a “Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor” |

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified mental health counselor because of the conflict with Rule 64B4-5.009, F.A.C.

SUMMARY: The rule amendment will delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified mental health counselor because of the conflict with Rule 64B4-5.009, F.A.C.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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 the State of Florida issued by the Department of Health or is not required to hold such a 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.

(3) No change.

Specific Authority 491.004(5), 491.005(4)(c) FS. Law Implemented 491.005(4)(c) FS. History–New 8-14-88, Amended 1-3-91, Formerly 21CC-31.007, 61F4-31.007, Amended 12-29-96, Formerly 59P-31.007, Amended 8-8-99, 8-9-00, 6-14-05, 7-16-06, 1-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

| | |
|--------------|---|
| RULE NO.: | RULE TITLE: |
| 64B16-27.797 | Standards of Practice for Compounding Sterile Preparations (CSPs) |

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create standards of practice for compounding sterile preparations.

SUMMARY: The rule provides instruction for standards of practice for compounding sterile preparations.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.005, 465.0155, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.797 Standards of Practice for Compounding Sterile Preparations (CSPs).

The purpose of this section is to assure positive patient outcomes through the provision of standards for 1) pharmaceutical care; 2) the preparation, labeling, and distribution of sterile pharmaceuticals by pharmacies, pursuant to or in anticipation of a prescription drug order, and 3) product quality and characteristics. These standards are intended to apply to all sterile pharmaceuticals, notwithstanding the location of the patient (e.g., home, hospital, nursing home, hospice, doctor's office).

(1) Definitions.

(a) Anteroom means an area where personnel perform hand hygiene and garbing procedures, staging of components, order entry, CSP labeling, and other high-particulate generating activities. It is also a transition area that provides assurance that pressure relationships are constantly maintained so that airflows from clean to dirty areas.

(b) Antineoplastic means a pharmaceutical agent that has the intent of causing cell death targeted to cancer cells, metastatic cells, or other cells involved in a severe inflammatory or autoimmune response.

(c) Beyond-use-date means the date after which a compounded preparation should not be used and is determined from the date the preparation was compounded.

(d) Biological safety cabinet means a containment unit suitable for the preparation of low, moderate, and high risk agents where there is a need for protection of the product, personnel, and environment.

(e) Bulk Compounding means the compounding of CSPs in increments of twenty-five (25) or more doses from a single source.

(f) Buffer area (Clean room) is an area where the activities of CSP take place; it shall not contain sinks or drains. In High-Risk compounding this must be a separate room.

(g) Class 100 environment means an atmospheric environment which contains no more than one hundred particles of 0.5 microns in diameter or larger per cubic foot of air. A class 100 environment is equivalent to ISO Class 5.

(h) Compounding Aseptic Isolator (CAI) – the CAI is a form of barrier isolator specifically designed for compounding pharmaceutical ingredients or preparations. It is designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer process. Air exchange into the isolator from the surrounding environment should not occur unless it is first passed through a microbially retentive filter (HEPA minimum 0.2 microns).

(i) High-Risk Level CSPs – Products compounded under any of the following conditions are either non-sterile or at high risk to become non-sterile with infectious microorganisms.

1. Non-sterile ingredients, including manufactured products for routes of administration other than sterile parenteral administration are incorporated or a non-sterile device is employed before terminal sterilization.

2. Sterile contents of commercially manufactured products, CSP that lack effective antimicrobial preservatives, sterile surfaces of devices and containers for the preparation, transfer, sterilization, and packaging of CSPs are exposed to air quality worse than ISO Class 5 for more than one (1) hour.

3. Before sterilization, non-sterile procedures such as weighing and mixing are conducted in air quality worse than ISO Class 7 compounding personnel are improperly garbed and gloved, or water-containing preparations are stored for more than 6 hours.

4. For properly stored sterilized high-risk preparation, in the absence of passing a sterility test, the storage periods cannot exceed the following time periods: before administration, the CSPs are properly stored and exposed for not more than 24 hours at controlled room temperature, and for not more than 3 days at a cold temperature (2-8 degrees celsius) and for not more than 45 days in solid frozen state at -20 degrees celsius or colder.

5. Examples of high-risk compounding include: (1) dissolving non-sterile bulk drug and nutrient powders to make solutions, which will be terminally sterilized; (2) exposing the sterile ingredients and components used to prepare and package CSPs to room air quality worse than ISO Class 5 for more than one (1) hour; (3) measuring and mixing sterile ingredients in non-sterile devices before sterilization is performed; (4) assuming, without appropriate evidence or direct determination, that packages of bulk ingredients contain at least 95% by weight of their active chemical moiety and have not been contaminated or adulterated between uses.

6. All high risk category products must be rendered sterile by an acceptable terminal sterilization process to include heat sterilization, gas sterilization, or filtration sterilization in order to become a CSP.

7. Quality assurance practices for high-risk level CSPs include all those for low-risk level CSPs. In addition, each person authorized to compound high-risk level CSPs demonstrates competency by completing a media-filled test that represents high-level compounding semiannually.

(j) Immediate Use CSPs:

1. Requires only simple aseptic measuring and transfer manipulations are performed with not more than three (3) sterile non-hazardous drug or diagnostic radiopharmaceutical drug preparations, including an infusion or dilution solution.

2. The preparation procedure occurs continuously without delays or interruptions and does not exceed 1 hour.

3. At no point during preparation and prior to administration are critical surfaces and ingredients of the CSP directly exposed to contact contamination such as human touch, cosmetic flakes or particulates, blood, human body substances (excretions and secretions, e.g., nasal or oral) and non-sterile inanimate sources.

4. Administration begins not later than one (1) hour following the start of preparing the CSP.

5. When the CSP is not administered by the person who prepared it, or its administration is not witnessed by the person who prepared it, the CSP shall bear a label listing patient identification information (name, identification numbers), and the names and amounts of all active ingredients, and the name or identifiable initials of the person who prepared the CSP, and one (1) hour beyond-use time and date.

6. If administration has not begun within one (1) hour following the start of preparing the CSP, the CSP is promptly and safely discarded. Immediate use CSPs shall not be stored for later use.

(k) Low-Risk Level CSPs compounded under all of the following are at a low risk of contamination:

1. The CSPs are compounded with aseptic manipulations entirely within ISO Class 5 (class 100) or better air quality using only sterile ingredients, products, components, and devices.

2. The compounding involves only transfer, measuring, and mixing manipulations using no more than three commercially manufactured sterile products and entries into one container (e.g., bag, vial) of sterile product to make the CSP.

3. Manipulations are limited to aseptically opening ampules, penetrating sterile stoppers on vials with sterile needles and syringes, and transferring sterile liquids in sterile syringes to sterile administration devices, package containers for storage and dispensing. The contents of ampules shall be passed through a sterile filter to remove any particles.

4. For low-risk preparation, in the absence of passing a sterility test or a documented validated process, the storage periods cannot exceed the following time periods; before administration, the CSPs are properly stored and exposed for

not more than 48 hours at controlled room temperature, and for not more than 14 days at a cold temperature and for 45 days in solid frozen state at -20 degrees celsius or colder.

5. Quality Assurance practices include, but are not limited to, the following: (1) routine disinfection and air quality testing of the direct compounding environment to minimize microbial surface contamination and maintain ISO Class 5 air quality; (2) Visual confirmation that compounding personnel are properly donning and wearing appropriate items and types of protective garments; (3) Review of all orders and packages of ingredients to ensure that the correct identity and amounts of ingredients were compounded; (4) Visual inspection of CSPs to ensure the absence of particulate matter in solutions, the absence of leakage from vials and bags, and accuracy and thoroughness of labeling.

6. All compounding personnel are required to demonstrate competency by completing a media-filled test that represents low-level compounding annually.

(l) Medium-Risk Level CSPs – When CSPs are compounded aseptically under Low-Risk Conditions, and one or more of the following conditions exist, such CSPs are at a medium risk of contamination:

1. CSPs containing more than three (3) commercial sterile drug products and those requiring complex manipulations and/or preparation methods.

2. Multiple individual or small doses of sterile products are combined or pooled to prepare a CSP that will be administered either to multiple patients or to one patient on multiple occasions.

3. The compounding process requires unusually long duration, such as that required to complete dissolution or homogeneous mixing.

4. For Medium-risk preparation, in the absence of passing a sterility test or a documented validated process, the storage periods cannot exceed the following time periods; before administration, the CSPs are properly stored and exposed for not more than 30 hours at controlled room temperature, and for not more than 9 days at a cold temperature and for 45 days in solid frozen state at -20 degrees celsius or colder.

5. These include compounding of total parenteral nutrition (TPN) using either manual or automated devices during which there are multiple injections, detachments, and attachments of nutrient source products to the device or machine to deliver all nutritional components to a final sterile container.

6. Filling of reservoirs of injection and infusion devices with more than three (3) sterile drug products and evacuation of air from those reservoirs before the filled devices is dispensed.

7. Transfer of volumes from multiple ampules or vials into one or more final sterile containers.

8. Quality assurance practices for medium-risk level CSPs include all those for low-risk level CSPs.

9. Demonstrates competency by completing a media-filled test that represents medium-level compounding annually.

(m) Parenteral means a sterile preparation of drugs for injection through one or more layers of the skin.

(n) Risk level of the sterile preparation means the level assigned to a sterile product by a pharmacist that represents the probability that the sterile product will be contaminated with microbial organisms, spores, endotoxins, foreign chemicals or other physical matter.

(o) Sterile preparation means any dosage form devoid of viable microorganisms, including but not limited to, parenterals, injectables, ophthalmics, and aqueous inhalant solutions for respiratory treatments.

(2) Compounded sterile preparations include, but are not limited, to the following:

(a) Total Parenteral Nutrition (TPN) solutions;

(b) Parenteral analgesic drugs;

(c) Parenteral antibiotics;

(d) Parenteral antineoplastic agents;

(e) Parenteral electrolytes;

(f) Parenteral vitamins;

(g) Irrigating fluids;

(h) Ophthalmic preparations; and

(i) Aqueous inhalant solutions for respiratory treatments.

(3) Sterile preparations shall not include commercially manufactured products that do not require compounding prior to dispensing.

(4) Policy & Procedure Manual.

A policy and procedure manual shall be prepared and maintained for the compounding, dispensing, and delivery of sterile preparation prescriptions. The policy and procedure manual shall be available for inspection by the Department and include at a minimum:

(a) Use of single dose and multiple dose containers not to exceed United States Pharmacopeia 797 guidelines.

(b) Verification of compounding accuracy and sterility.

(c) Personnel training and evaluation in aseptic manipulation skills.

(d) Environmental quality and control:

1. Air particle monitoring for hoods (or Barrier Isolator), clean room and buffer area (or anteroom) when applicable.

2. Unidirectional airflow (pressure differential monitoring).

3. Cleaning and disinfecting the sterile compounding areas

4. Personnel cleansing and garbing

5. Environmental monitoring (air and surfaces)

(e) Personnel monitoring and validation.

(f) Finished product checks and tests.

(g) Method to identify and verify ingredients used in compounding.

(h) Labeling requirements for bulk compounded products:

1. Contents

2. Beyond-Use-Date

3. Storage requirements

(i) Packing, storage, and transportation conditions

(5) Physical Requirements

(a) The pharmacy shall have a designated area with entry restricted to designated personnel for preparing parenteral products. This area shall have a specified ante area and buffer area; in high risk compounding, this shall be separate rooms. This area shall be structurally isolated from other areas with restricted entry or access, and must be designed to avoid unnecessary traffic and interference with unidirectional airflow. It shall be used only for the preparation of these sterile preparations. It shall be of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.

(b) The pharmacy compounding parenteral and sterile preparation shall have the following:

1. Appropriate environmental control devices capable of maintaining at least class 100 conditions in the work place where critical objects are exposed and critical activities are performed; furthermore, these devices must be capable of maintaining class 100 conditions during normal activity. Examples of appropriate devices include laminar airflow hoods and zonal laminar flow of high efficiency particulate air (HEPA) filtered air;

2. Appropriate disposal containers for used needles, syringes, and if applicable, for antineoplastic waste from the preparation of chemotherapy agents;

3. Appropriate environmental control including approved biohazard cabinetry when antineoplastic drug products are prepared;

4. Appropriate temperature and transport containers;

5. Infusion devices and equipment, if appropriate.

(c) The pharmacy shall maintain and use supplies adequate to preserve an environment suitable for the aseptic preparation of sterile preparations, such as:

1. Gloves, masks, shoe covers, head and facial hair covers, and non-shedding gowns.

2. Needles and syringes of various standard sizes.

3. Disinfectant cleaning agents.

4. Clean towels.

5. Hand washing materials with bactericidal properties.

6. Vacuum containers and various transfer sets.

7. "Spill kits" for antineoplastic agent spills.

(d) The pharmacy should have current reference material in hard copy or readily available on line:

1. USP Pharmacist Pharmacopeia (optional) or

Handbook of Injectable Drugs by American Society of Hospital Pharmacists; or other nationally recognized standard reference; and

2. "Practice Guidelines for Personnel Dealing with Cytotoxic Drugs," or other nationally recognized standard cytotoxic reference if applicable.

(e) Barrier isolator is exempt from all physical requirements subject to manufacturer guidelines for proper placement.

(6) Antineoplastic Drugs.

The following requirements are necessary for those pharmacies that prepare antineoplastic drugs to ensure the protection of the personnel involved:

(a) All antineoplastic drugs shall be compounded in a vertical flow, Class II, biological safety cabinet placed in negative pressure room unless using barrier isolators. Other preparations shall not be compounded in this cabinet.

(b) Protective apparel shall be worn by personnel compounding antineoplastic drugs. This shall include at least gloves and gowns with tight cuffs.

(c) Appropriate safety and containment techniques for compounding antineoplastic drugs shall be used in conjunction with the aseptic techniques required for preparing sterile products.

(d) Disposal of antineoplastic waste shall comply with all applicable local, state, and federal requirements.

(e) Written procedures for handling both major and minor spills of antineoplastic agents shall be developed and shall be included in the policy and procedure manual.

(f) Prepared doses of antineoplastic drugs shall be dispensed, labeled with proper precautions inside and outside, and shipped in a manner to minimize the risk of accidental rupture of the primary container.

(7) Quality Assurance:

(a) There shall be a documented, ongoing quality assurance control program that monitors personnel performance, equipment, and preparations. Appropriate samples of finished preparations shall be examined to assure that the pharmacy is capable of consistently preparing sterile preparations meeting specifications:

1. All clean rooms and laminar flow hoods shall be certified by an independent contractor or National Sanitation Foundation Standard 49, for operational efficiency at least semiannually for high risk CSPs and annually for low and medium risk CSPs or any time the hood is relocated or the structure is altered and records shall be maintained for two years.

2. There shall be written procedures developed requiring sampling if microbial contamination is suspected for batches greater than 25 units.

3. High risk greater than 25 units have antimicrobial testing prior to dispensing.

4. There shall be referenced written justification of the chosen beyond-use-dates for compounded products.

5. There shall be documentation of quality assurance audits at regular planned intervals, including infection control and sterile technique audits.

(b) Compounding personnel shall be adequately skilled, educated, instructed, and trained to correctly perform and document the following activities in their sterile compounding duties:

1. Demonstrate by observation or test a functional understanding of USP Chapter 797 and definitions, to include Risk Category assessment;

2. Understand the characteristics of touch contamination and airborne microbial contaminants;

3. Perform antiseptic hand cleaning and disinfections of non-sterile compounding surfaces;

4. Select and appropriately don protective garb;

5. Demonstrate aseptic techniques and requirements while handling medications;

6. Maintain and achieve sterility of CSPs in ISO Class 5 (Class 100) primary engineering devices and protect personnel and compounding environments from contamination by antineoplastic and chemotoxic or other hazardous drugs or substances;

7. Manipulate sterile products aseptically, sterilize high-risk level CSPs (where applicable) and quality inspect CSPs;

8. Identify, weigh and measure ingredients;

9. Prepare product labeling requirements and "beyond use" requirements of product expiration;

10. Prepare equipment and barrier requirement work requirements to maintain sterility;

11. Prepare end point testing and demonstrated competencies for relevant risk levels;

12. Prepare media fills to test aseptic technique.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.005, 465.0155, 465.022 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 19, 2007

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.006 RULE TITLE: AIDS Education and Medical Error Prevention Education

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language regarding Aids Education and Medical Error Prevention Education requirements.

SUMMARY: The rule amendment implements statutory change in Section 456.033, F.S. for HIV courses.

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

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

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

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

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

THE FULL TEXT FOR THE PROPOSED RULE IS:

64B32-6.006 AIDS Education and Medical Error Prevention Education.

Pursuant to Section 456.033, Florida Statutes, any Category I, American Medical Association (AMA) continuing medical education course, any Category I or Category III, American Association for Respiratory Care (AARC) continuing education course offered by an AMA approved respiratory therapy program and any courses approved by any board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, Florida Statutes, which includes topics on the transmission, infection control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, shall satisfy the requirements of Section 456.033, Florida Statutes, as part of the first renewal of the license as part of biennial relicensure or recertification. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(1) The required AIDS education can be completed with one course divided in incremental blocks of time, as long as each increment is at least one contact hour in length and the cumulative total equals a minimum of 3 contact hours, and all of the topics stated above are covered; or by one course which is at least 3 contact hours in length and covers all of the topics stated above; or by multiple courses which are each at least 1 contact hour in length and each cover all of the topics stated above. New licensees must complete three contact hours taken within the last five years prior to either initial licensure or first renewal ~~but only one contact hour shall be necessary for biennial renewal.~~

(2) An appropriate course as described above may be used to fulfill up to ~~3~~ 5 hours of a licensee's continuing education requirement for the first ~~biennial~~ renewal.

(3) No change.

(4) Each applicant and all licensees shall take ~~attend and certify attending~~ a Board approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for each license renewal. The course shall include medication errors, including missed treatments, documentation errors, equipment errors, patient errors and communication errors.

Specific Authority 456.033 FS. Law Implemented 456.013(7), 456.033 FS. History--New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended 4-27-00, 7-22-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2007

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.018 RULE TITLE: Fees

PURPOSE AND EFFECT: The Program intends through this rule promulgation to raise permit fees in this section to the maximum allowed by Section 499.041 F.S., in order to comply with the funding requirements of Section 499.04 F.S. The proposed rule will also provide the fee for the limited prescription drug veterinary wholesaler permit authorized by Florida Laws section 2006-92. The proposed rule will clarify the circumstances when a reinspection fee for a new permit application will be assessed.

SUMMARY: The rule implements the fee for the limited prescription drug veterinary wholesaler permit, while raising the permit fees authorized under Chapter 499, Florida Statutes. The rule clarifies the circumstances where a re-inspection fee may be imposed for a new permit application.

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

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

SPECIFIC AUTHORITY: 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.015, 499.04, 499.041 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R.Ph., Director, Drugs Devices and Cosmetics Program 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.018 Fees.

(1) Biennial fees for a manufacturer’s permit are as follows:

| Permit | Biennial Fee |
|---|---------------------------------|
| Prescription Drug Manufacturer | <u>\$1500</u> \$1300 |
| Prescription Drug Repackager | <u>\$1500</u> \$1300 |
| Device Manufacturer | <u>\$1200</u> \$1000 |
| Cosmetic Manufacturer | <u>\$800</u> \$600 |
| Over-the Counter Drug Manufacturer | <u>\$800</u> \$600 |
| Compressed Medical Gas Manufacturer | <u>\$1000</u> \$900 |
| Non-resident Prescription Drug Manufacturer | <u>\$1500</u> \$850 |

No manufacturer shall be required to pay more than one fee per establishment to obtain an additional manufacturing permit; but the manufacturer must pay the highest fee applicable to the operations in each establishment.

(2)(a) Biennial fees for a wholesaler’s permit that is issued on a biennial basis are as follows:

| Permit | Biennial Fee |
|--|-------------------------------|
| Compressed Medical Gas Wholesaler | <u>\$600</u> \$500 |
| Retail Pharmacy Wholesaler | \$100 |
| Freight Forwarder | <u>\$600</u> \$250 |
| Veterinary Prescription Drug Wholesaler | \$1000 |
| <u>Limited Prescription Drug Veterinary Wholesaler</u> | <u>\$1000.</u> |

(b) Annual fees for a wholesaler’s permit that is issued on an annual basis are as follows:

| | |
|--|-------------------------------|
| Prescription Drug Wholesaler (including Broker Only) | \$800 |
| Out-of-State Prescription Drug Wholesaler | <u>\$800</u> \$700 |
| (3) Biennial fees for other distribution permits are as follows: | |
| Permit Fee | Biennial |
| Complimentary Drug Distributor | \$500 |
| Veterinary Legend Drug Retail Establishment | <u>\$600</u> \$500 |
| Medical Oxygen Retail Establishment | <u>\$600</u> \$500 |
| Restricted Rx Drug Distributor – Health Care Entity | <u>\$600</u> \$500 |
| Restricted Rx Drug Distributor – Charitable Organization | <u>\$600</u> \$400 |
| Restricted Rx Drug Distributor – Reverse Distributor | <u>\$600</u> \$500 |
| Restricted Rx Drug Distributor – Destruction | <u>\$600</u> \$500 |
| Restricted Rx Drug Distributor – Government Programs | <u>\$600</u> \$400 |
| Restricted Rx Drug Distributor – Institutional Research | <u>\$600</u> \$400 |

(4) Miscellaneous other fees are as follows:

| Description of other service fees | Fee |
|---|-------|
| Certification as Designated Representative | \$150 |
| Initial Application/On-site Inspection | \$150 |
| (The initial application/on-site inspection fee is non-refundable.) | |

If the department determines it must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready or available for inspection or available to schedule an inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.

Prescription Drug Wholesaler Bond/Security or Out-of-State Prescription Drug Wholesaler Bond/Security, as set forth in Section 499.012(2), F.S. \$100,000

Limited Prescription Drug Veterinary Wholesaler Bond/Security, as set forth in Section 499.012(2)(h), F.S., \$20,000

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) ~~\$30~~ \$20*

* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is ~~\$15~~ \$10.

Listed Identical Products ~~\$15~~ \$0

Free Sale Certificate \$25

Signature copy (requested concurrently) \$2

Delinquent Establishment Permit Renewal (per permit) \$100

(5) The department shall assess other fees as provided in Sections 499.001-.081, F.S.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History--New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04, 2-14-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rebecca Poston

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.025
 RULE TITLE: Certification Authority and Digital Signatures for Self-Authenticating Pedigree

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the difference between a digital certificate and a digital signature, as well as correct some citations and term names within the rule.

SUMMARY: The rule clarifies the difference between digital signature and digital certificate. The rule corrects some internal citations and labeling of terms within the rule.

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

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

SPECIFIC AUTHORITY: 499.003, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.052 FS.

LAW IMPLEMENTED: 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R.Ph., Director, Drugs Devices and Cosmetics Program 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) As used in this rule chapter the terms “certificate” and “Certification Authority” are as defined by Section 668.003, F.S. (2005). The department will list on its website one or more companies authorized to serve as a Certification Authority to issue digital certificates to persons for purposes of certifying via a digital signature the accuracy and completeness of a pedigree paper for authentication purposes under sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C. The department recognizes that a Certification Authority listed on the department’s website may revoke any digital certificate it has issued. In addition, the department recognizes that the certificate holder and the employer of the certificate holder may also seek revocation of a certificate, for example because of termination of the holder’s employment or change of the holder’s authority to sign a pedigree for the employing establishment.

(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 ~~Certification Certificate~~ Authority will issue two types of ~~certificates digital signatures~~ the status of which is ascertainable within the digital signature. One type of ~~certificate 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 ~~certificate~~ 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)(d)(e) 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)(d)(e) 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)(d)(e), 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, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.052 FS. Law Implemented 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 8-6-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rebecca Poston
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

| | |
|--------------|--|
| RULE NOS.: | RULE TITLES: |
| 69O-157.1100 | Requirements for Exchange of Coverage |
| 69O-157.1155 | Producer Training |
| 69O-157.201 | Standards for Approved Long-Term Care Partnership Program Policies |

PURPOSE AND EFFECT: To implement HB 947 enacted into law in 2006. The new section will be titled Part III, Long-Term Care Partnership Program.

SUMMARY: The Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, is directed to establish a qualified state Long-Term Care Insurance Partnership Program in Florida, in compliance with the requirements of S. 1917(b) of the Social Security Act, as amended.

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

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

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.410(6), 627.9408, 626.9611, 627.9407, 627.94075, 627.9408(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.9541, 626.9641, 627.410(6), 627.9402, 627.9407(7), 627.9408, 626.025, 626.2815, 626.9541, 626.9641, .307(1), 409.9102, 627.94075 FS.

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

DATE AND TIME: May 18, 2007, 1:00 p.m.
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tracie Lambright, Office of Insurance Regulation, E-mail Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tracie Lambright, Office of Insurance Regulation, E-mail Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

- 69O-157.1100 Requirements for Exchange of Coverage.
- (1)(a) An insurer may offer policyholders or certificateholders the option to exchange an existing Long-Term Care contract for a new Long-Term Care contract.
- (b) An exchange occurs when an insurer offers an existing long-term care policyholder or certificateholder the option to replace an existing policy with a different long-term care policy or certificate, and the policyholder or certificateholder accepts the offer to terminate the existing contract and accepts the new contract.
- (2)(a) Any offer shall be made to all policyholders or certificateholders on a nondiscriminatory basis.
- (b) An exchange offer shall be deferred to all policyholders or certificateholders that are currently eligible for benefits, within an elimination period on a claim, or who would not be eligible to apply for coverage due to issue age limitations under the new contract, until such time when such condition expires.
- (3)(a) If the new coverage has the actuarial value of benefits equal or lesser than the actuarial value of benefits of the existing coverage, based on constant morbidity and uniform pricing assumptions as determined on the date of issue of a new insured determined using the same underwriting class and issue age, such new coverage shall be offered on a nonunderwritten basis.

(b) If the new coverage has the actuarial value of benefits exceeding the actuarial value of benefits of the existing coverage, the insurer shall apply consistent new business underwriting for the increased benefits only.

(4)(a) If the new coverage has the actuarial value of benefits equal or lesser than the actuarial value of benefits of the existing coverage, the rate charged for the new coverage shall be determined using the original issue age and risk class of the insured used in determining the rate of the existing coverage.

(b) If the new coverage has the actuarial value of benefits exceeding the actuarial value of benefits of the existing coverage, the rate charged for the new coverage shall be determined using paragraph (4)(a) above for the original level of benefits, increased by the rate for the increased benefits using the then current attained age and underwriting class of the insured for the increased benefits only. All rates charged must be filed and approved with the Office pursuant to Section 627.410(6), F.S., and Rule 690-149.003, F.A.C.

(c) The new coverage offered shall be on a form that is currently offered for sale in the general market.

(d) In lieu of paragraphs (a) and (b) above, an insurer may make a filing to the Office for approval to utilize a different issue age for the new contract, or in some other way recognize the policy reserve build-up. Such filing shall demonstrate why the use of the original issue age is inappropriate and that the policy reserve build-up due to the prefunding inherent in the use of an issue age rate basis is credited to the benefit of the insured.

Specific Authority 624.308(1), 626.9611, 627.410(6), 627.9408 FS, Law Implemented 624.307(1), 626.9541, 626.9641, 627.410(6), 627.9402, 627.9407(7), 627.9408 FS. History—New _____.

690-157.1155 Producer Training.

Insurers providing Long-Term Care insurance shall maintain records, subject to Office review upon request, that before any producer sells, solicits or negotiates a long-term care insurance policy, that they receive necessary and sufficient training to understand partnership policies and their relationship to public and private coverage for long-term care.

Specific Authority 624.308(1), 626.9611, 627.9407, 627.94075, 927.9408 FS. Law Implemented 624.307(1), 626.025, 626.2815, 626.9541, 626.9641 FS. History—New _____.

PART III LONG-TERM CARE INSURANCE PARTNERSHIP PLANS

690-157.201 Standards For Approved Long-Term Care Partnership Program Policies.

(1)(a) A policy or certificate, herein referred to as policy, marketed or represented to qualify as an approved long-term care partnership program policy as provided by Section 409.9102, F.S., hereinafter referred to as a ‘partnership’, shall be a policy where:

1. Such form and rates are filed and approved pursuant to the provisions of Part II of this Rule Chapter and Rule 690-149, F.A.C.,

2. The policy is intended to be a qualified long-term care insurance policy under the provisions of Section 627.9404(12), F.S.,

3. The insured individual was a resident of Florida or another state that has entered into a reciprocal agreement with Florida when coverage first became effective under the policy. If the policy is later exchanged for a different long-term care policy, the individual was a resident of Florida or another state that has entered into a reciprocal agreement with Florida when coverage under the earliest policy became effective.

4. The policy is issued with and retains inflation coverage which meets the inflation standards based on the insureds then attained age as defined in subsection (4) below.

5. The effective date of the coverage is on or after January 1, 2007, and

6. Compliance is met with the provisions of these rules.

(b) Insurance benefit payments, for purposes of asset disregard when applying for Medicaid long-term care services, are payments made for long-term care benefits and services and do not include such benefits as cash surrender values, return of premiums, premium waiver, or death benefits.

(2)(a) An insurer issuing or marketing policies that qualify as partnership policies, shall provide a disclosure notice, on the insurer’s letterhead, to the individual that indicates that, at the time of issue of the coverage is an approved long-term care partnership policy, explains the benefits associated with a partnership policy, and discloses that the partnership status may be lost if the insured moves to a different state or modifies the coverage after issue, or changes in federal or state laws occur. The insurer may use Form OIR-B2-1786 (1/2007), Partnership Status Disclosure Notice, which is hereby adopted and incorporated into this rule by reference. This notice shall be provided to the insured no later than the time of policy or certificate delivery. If the insurer uses Form OIR-B2-1786 without modification, no filing is required. If the carrier chooses to modify the language found in this disclosure notice, such notice shall be filed for approval with the Office.

(b)1. When an insurer is made aware that the policyholders or certificateholders initiate action that will result in the loss of partnership status, the insurer shall provide an explanation of how such action impacts the insured in writing. The policyholders or certificateholders shall also be advised how to retain partnership status if possible.

2. If a partnership plan subsequently loses partnership status, the insurer shall explain to the policyholders or certificateholders in writing the reason for the loss of status.

(3)(a) An insurer issuing or marketing policies that qualify as partnership policies, shall notify all of its policyholders with existing long-term care coverage issued on or after March 1, 2003, of the benefits associated with a partnership policy. The

insurer shall offer all such existing policyholders the option to exchange their policy, as provided by Rule 69O-157.1100, F.A.C., for a partnership policy.

(b) Any policyholder that exchanges their policy shall be provided the required disclosure as provided in subsection (2) above.

(c) The effective date of the partnership policy shall be the date of the exchanged policy.

(4) The issued policy shall meet the following inflation coverage limitations:

(a) Policies or certificates issued to an individual who has not yet attained age 61 shall contain annual compound inflation coverage.

(b) Policies or certificates issued to an individual who has attained age 61 but has not attained age 76 shall contain annual inflation coverage.

(c) For policies or certificates issued with inflation coverage, the policyholders or certificateholders must have the inflation coverage at a level based upon the insured's current age as described in paragraphs (a) and (b) above.

(5) Reporting.

(a) All insurers shall report to the Health and Human Services Secretary such information as required by Centers for Medicare & Medicaid Services (CMS), including but not limited to:

1. Notification regarding when insurance benefits provided under partnership plans have been paid and the amount of such benefits paid, and

2. Notification regarding when such policies otherwise terminate.

(b) All insurers shall provide to any insured requesting such information a copy of the Form OIR-B2-1781 (12/06), Approved Long-Term Care Partnership Program Policy Summary, which is hereby adopted and incorporated into this rule by reference. An insurer may use its own form as long as the information and content is consistent with the information contained in Form OIR-B2-1781 (12/06).

Specific Authority 624.308(1), 627.9408(1), 627.94075 FS. Law Implemented 624.307(1), 409.9102, 627.94075 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Life & Health Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

RULE NO.: 12-26.008
RULE TITLE: Public Use 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. 52, December 29, 2006 issue of the Florida Administrative Weekly.

In response to public comments made a part of the public record, the following changes to proposed subsections (4) and (5) of Rule 12-26.008, F.A.C., have been made to incorporate, by reference, changes to Form DR-26S, Sales and Use Tax Application for Refund, and to Form DR-370026, Mutual Agreement to Audit or Verify Refund Claim, so that, when adopted, those subsections will read as follows:

| Number | Title | Effective Date |
|---------------|---|----------------|
| (4) DR-26S | Application for Refund-Sales and Use Tax (R. 04/07 04/03) | ____ 09/04 |
| (5) DR-370026 | Mutual Agreement to Audit or Verify Refund Claim (R. 04/07 07/02) | ____ 09/04 |

The following changes to Form DR-26S, Sales and Use Tax Application for Refund, have been made, so that, when adopted, those changes will be made a part of the "R. 04/07" version of that form incorporated by reference in subsection (4) of Rule 12-26.008, F.A.C.:

On page 2, Question 1, Who can apply for a refund?, the following will be added to the end of the response: See Page 8, Exempt Issues.

On page 5, Section I., Amended returns, the following statement will be removed:

~~—This refund may be taken as a credit on your next return (see FAQ #3)~~

On page 6, Section V., Credit Memo, the following statement and note box will be removed:

~~—This refund may be taken as a credit on your next return (see FAQ #3)~~

~~NOTE: This refund basis should be used to claim overpayment of tiered penalty or collection allowances not taken on the return. If the credit memo issued was due to an amended return filed, please refer to the Amended Return instructions.~~

The following changes to Form DR-370026, Mutual Agreement to Audit or Verify Refund Claim, have been made, so that, when adopted, those changes will be made a part of the "R. 04/07" version of that form incorporated by reference in subsection (5) of Rule 12-26.008, F.A.C.: