

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0943
 RULE TITLE: Statewide Assessment for Students with Disabilities

PURPOSE AND EFFECT: The purpose of the rule development is to review the provisions relating to statewide assessment for students with disabilities. The effect will be a rule that is current and addresses the Florida Alternate Assessment in addition to the Florida Comprehensive Assessment Test.

SUBJECT AREA TO BE ADDRESSED: Assessment for Students with Disabilities.

SPECIFIC AUTHORITY: 1008.22(3), 1003.428(5), 1003.43(8) FS.

LAW IMPLEMENTED: 1008.22(3), 1003.428(5), 1003.43(8) FS.

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

DATES AND TIME: February 6, 2009 and February 24, 2009, 9:00 a.m. – 2:30 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 605, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09982
 RULE TITLE: School Improvement Rating for Alternative Schools

PURPOSE AND EFFECT: The purpose of the rule development is to amend the definition of “home school” used in calculating a school improvement rating, pursuant to current governing statute. Additionally, rule development will clarify the establishment of a minimum number of students to ensure a statistically reliable calculation. The effect of this amendment changes how students are credited back to a “home school” in calculating school grades.

SUBJECT AREA TO BE ADDRESSED: School Improvement Ratings for Alternative Schools.

SPECIFIC AUTHORITY: 1008.34(8), 1008.341(6) FS.

LAW IMPLEMENTED: 1008.34, 1008.341 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: February 11, 2009, 2:00 p.m. – 3:00 p.m.
 PLACE: Department of Education, 325 West Gaines Street, Room 1703/1707, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juan Copa, Chief, Bureau of Research and Evaluation, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399-0400

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09982 School Improvement Rating for Alternative Schools.

(1) through (4) No change.

(5) Procedures for Calculating School Improvement Ratings for Alternative Schools.

(a) The school improvement ratings for alternative schools will be considered fully implemented with the following accountability elements:

1. The school improvement rating shall be based on a comparison of student learning gains for the current year and previous year. The learning gains definition will be consistent with the learning gains definition for school grades defined in Rule 6A-1.09981, F.A.C. The school improvement rating shall be calculated for each alternative school that has chosen to be rated by this method and to ensure statistical reliability of results in accordance with Section 1008.34(3)(a)1., F.S., has:

a. ~~A Has a~~ minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading in the current and two previous years; and

b. ~~A Has a~~ minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in math in the current and two previous years.

2. through 6. No change.

(6) No change.

(7) Definition of Home School. Pursuant to Section 1008.34(3)(c)3., F.S., “hHome sSchool” is defined as the school to which the student would be was attending when assigned if the student were not assigned to an alternative school, pursuant to Section 1008.34, F.S.

~~(8)(a)~~ Limitations on Students Credited Back. ~~Student performance data will only be credited back to the home school if:~~

~~1. The student was referred to the alternative school by the home school; and~~

~~2. The student's grade level at the alternative school is within the same grade configuration as the student's home school.~~

~~(a)(b)~~ Eligible students' performance will be included in the calculation of the home school's overall percentage of students making learning gains in reading and in math.

~~(b)(c)~~ Eligible students' performance will be included in the home school's grade calculation as long as the student is enrolled in a grade level at the alternative school that is offered by the student's home school.

Specific Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History--New 4-14-08, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.014
 RULE TITLE: General Requirements for Adult General Education Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the rule to ensure that Florida is in compliance with federal testing requirements for adult education. The effect will be that local education agencies have the most current test for reporting educational functioning levels and learning.

In addition, provisions relating to the use of the tests for both placement and reporting purposes will be reviewed to ensure compliance with the National Reporting System.

SUBJECT AREA TO BE ADDRESSED: Adult General Education.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1008.405, 1011.80 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elsie Rogers at elsie.rogers@fldoe.org or call (850)245-9029

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.055
 RULE TITLE: Definitions of Terms Used in Vocational Education and Adult Programs

PURPOSE AND EFFECT: The purpose of the rule development is to review definitions relating to career, technical and adult education and to remove from rule the outdated term "vocational education." The effect will be to ensure that terms used in State Board Rule are consistent with current practices.

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education and Adult Education Programs.

SPECIFIC AUTHORITY: 1001.03(12) FS.

LAW IMPLEMENTED: 229.551(1)(g), 233.068, 239.205, 1000.04(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elsie Rogers at elsie.rogers@fldoe.org or call (850)894-3880

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0571
 RULE TITLE: Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose of the rule development is to review and proposed updates to the "Standards, Benchmarks, and Frameworks for Career and Technical Education" and the "Curriculum Frameworks Adult General Education," for the academic year 2009-2010.

SUBJECT AREA TO BE ADDRESSED: Curriculum Frameworks and Benchmarks for Career and Technical Education and Adult Education.

SPECIFIC AUTHORITY: 1004.92(2)(b)3. FS.

LAW IMPLEMENTED: 1004.92(2)(b)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elsie Rogers at elsie.rogers@fldoe.org or (850)245-9029.

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0970 RULE TITLE: John M. McKay Scholarship for Students with Disabilities Program

PURPOSE AND EFFECT: The purpose of the rule development is to clarify and establish a specific timeframe for claims by private schools for supplemental payment requests. The effect is to ensure funds are paid during the fiscal year the student participated in the McKay Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: Timelines and procedures relating to scholarship payments.

SPECIFIC AUTHORITY: 1002.39(1) FS.

LAW IMPLEMENTED: 1002.39 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mike Kooi, Esq., Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, FL 32399; (850)245-0878

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; (850)245-9661 or lynn.abbott@fldoe.org or <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, Florida Statutes, in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

(5) Scholarship payments. The following provisions detail information related to scholarship payments including timeframes, eligibility, and Departmental procedures.

(a) through (e) No change.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must be made by June 1 of the fiscal year in which the scholarship payment was originally due ~~within one (1) year of the date the payment was originally due.~~

(6) through (9) No change.

Specific Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History--New 1-18-07, Amended.

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.: 19-9.001 RULE TITLE: Investment Policy Statement

PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement, approved by the Trustees on December 9, 2008, reflecting recent investment option and other changes.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Public Employee Retirement Optional Program.

SPECIFIC AUTHORITY: 121.4501 (8)(a) FS.

LAW IMPLEMENTED: 121.4501(14) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

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: Ms. Morea. 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: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs

PURPOSE AND EFFECT: To each rule to adopt revised forms; to amend the enrollment rule for new hires to provide a definition of “electronic means,” to amend the distributions rule and the second enrollment rule to clarify procedures regarding a Pension Plan member who has a remaining balance in his Investment Plan account after buying back into the Pension Plan.

SUBJECT AREA TO BE ADDRESSED: Revised forms; to adopt a definition of “electronic means,” and to clarify distributions to Pension Plan members with a balance in their Investment Plan accounts.

SPECIFIC AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.012(29), (39), 121.051, 121.055, 121.35, 121.4501(2),(3), (4), (5), (6), (8)(b)4., (9)(f)3., (15)(b), 121.591, 121.73, 121.77, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

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: Ms. Morea. 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: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009.

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

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

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-12.007	Acceptance of Rollovers

PURPOSE AND EFFECT: To adopt a revised form.
SUBJECT AREA TO BE ADDRESSED: Internal Revenue Service Rules for the Investment Plan regarding rollovers.

SPECIFIC AUTHORITY: 121.4501 (5)(c) FS.

LAW IMPLEMENTED: 121.4501(5)(c), (21) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

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: Ms. Morea. 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: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; telephone (850)413-1199.

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001
 RULE TITLE: Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: February 9, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10 ~~2008-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2009-02 ~~2008-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan application for participation.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: February 9, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10 ~~2008-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05,1-1-07, 11-27-07 11-18-08, 01-28-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.102
 RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what may be included in legal mailings and how such mailings shall be addressed.

SUBJECT AREA TO BE ADDRESSED: Legal Mail and Documents.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as

(a) Mail to and from municipal, county, state, and federal courts.

(b) through (g) No change.

(3) through (5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications), and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2), F.A.C.:

1. Greeting cards, blank greeting cards, stationery or other blank writing paper or envelopes;

2. through 4. No change.

(b) through (c) No change.

(7) When an inmate is prohibited from receiving any item of legal mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. Form DC2-521, The Unauthorized Mail Return Receipt, ~~Form DC2-521~~, will be placed in the original envelope with the correspondence and returned to the sender. If unauthorized items are discovered in the mail (other than items of an illegal nature), the unauthorized item and the correspondence will be returned to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) The return address of incoming legal mail shall contain sufficient information to identify the sender as one of the persons or entities identified in subsection (2).

(b) Except as provided in Rule 33-603.103, F.A.C., the address on all incoming legal mail shall contain the inmate's committed name, identification number, institutional name, and address. The inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

(d) The sender of incoming legal mail shall mark the outside of the envelope "legal-confidential," "legal-open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from courts that is subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail which does not include a marking on the outside of the envelope requesting that it be treated as confidential legal mail shall be treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.

~~(e)(a)~~ All incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no unauthorized items. Only the signature and letterhead may be read. ~~If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (8) of this rule because it was being transmitted under the guise of legal mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.~~

(f) If legal mail is written in a foreign language the signature and letterhead shall be translated to confirm that it is legal mail. If the signature and letterhead indicate that it is legal mail, the mail shall be provided to the inmate. If the letterhead and signature cannot be translated by an employee at the facility, the envelope, letterhead, and signature of the correspondence may be photocopied and sent to another institution or the central office for translation.

(g) The return address on all outgoing legal mail must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely.

The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

~~(h)(b)~~ Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail, bears that inmate's return address and signature, and that it contains no unauthorized items. Only the address may be read to determine whether it is properly addressed to a person or entity identified agency listed in subsection (2) of this rule. If the outgoing mail contains unauthorized items or is not legal mail, the inmate shall be subject to disciplinary action. If the outgoing mail is legal mail and it contains no unauthorized items, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents, have the inmate place his or her initials next to the stamp, and have the inmate seal the envelope in the staff member's presence. The use of mail drop boxes for outgoing legal mail is prohibited.

~~(i)(e)~~ Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 hours of receipt by the mail room, excluding weekends and holidays.

(9) Inmates shall be allowed to keep legal material in their living area subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper, envelope(s), and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper, envelopes, and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing. Outgoing packages and envelopes will not bear any artwork, additional lettering, or designs other than the required address and return address.

(10)(a) The institution shall furnish postage for mail to persons or entities identified in subsection (2), courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit and for mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the

inmate's criminal case for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary. Submission of unstamped legal mail to the mailroom or mail collection representative by an inmate without sufficient funds shall be deemed to constitute the inmate's request for the institution to provide postage and place a lien on the inmate's account to recover the postage costs when the inmate receives funds.

(b) No change.

(11) through (12) No change.

~~(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address; the inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail—Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 9-25-03.~~

~~(14) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.~~

~~(13)(15)(a)~~ Anytime legal mail is received for an inmate who has been transferred within the Department, the institution will return the correspondence within 5 working days to the post office with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the legal mail, regardless of the class, to the transferred inmate's new institutional assignment, the Department will pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

~~(14)(b)~~ Anytime legal mail is received for an inmate who has been released from the Department, it shall be returned to the post office within 5 working days with a forwarding address, if available, and a request will be made to postal authorities to forward the legal mail to the former inmate. If there is no available forwarding address, all legal mail shall be returned to the sender.

~~(15)(46)~~(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal and/or Privileged Mail Log, Form DC2-522. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the form is 12-4-02.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.102~~(13)(46)~~, F.A.C., Form DC2-522 shall be completed as required in subsection paragraph 33-210.102(15)(47)(a), F.A.C., except that mailroom staff shall write "Transferred" or "Released" in the "Date Mail Received By Institution" section; and shall write the date that the mail was forwarded in the "Inmate Signature" section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-504.101
 RULE TITLE: Probation and Restitution Centers
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: substantially reword and reorganize the rule for clarity; provide for residential and non-residential services; describe the process for placement, criteria for ineligibility, responsibilities of department employees and contract providers, requirements for program completion, and conditions under which offenders are discharged from programs; provide minimum standards that must be required by probation and restitution centers.
 SUBJECT AREA TO BE ADDRESSED: Probation and restitution centers.
 SPECIFIC AUTHORITY: 944.026, 944.09 FS.
 LAW IMPLEMENTED: 921.187, 944.026, 948.03, 958.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-504.101 follows. See Florida Administrative Code for present text.)

33-504.101 Probation and Restitution Centers.

(1) General. Probation and restitution centers (PRCs) are community-based facilities that offer residential and non-residential services to offenders within a structured environment to assist the offenders with the development of skills needed to comply with conditions of supervision and to achieve successful transition and re-entry into the community.

(2) Referral and Placement. Offenders are assigned to PRCs in the following ways:

(a) Court ordered or releasing authority ordered residential placement or non-residential participation in specific programs at the PRC as a condition of supervision. Offenders are referred to the PRC by the Correctional Probation Officer in a violation of probation report or pre-sentence investigation as a sentencing option or as a possible alternative to a recommendation of imprisonment when it is determined that a more structured supervision, programming and control is needed.

(b) Referral by Department of Corrections staff for inmates who are being released from Department custody without supervision to follow and who have the need for additional transitional services to aid in community re-entry. The released inmate's participation is voluntary.

(3) Eligibility. The following offenders shall be ineligible for assignment to a PRC:

(a) Convicted of or currently charged with a capitol or life felony;

(b) Conviction for sexual battery pursuant to Section 794.011, F.S.;

(c) Currently has a mental or physical health condition that requires services not available at the PRC; or

(d) Physically unable to work.

(4) Responsibilities.

(a) The Bureau of Substance Abuse Program Services shall be responsible for the contract management of PRCs.

(b) The contracted community-based providers shall be responsible for the management of the PRC and the care and monitoring of offenders assigned to the PRC. Contracted providers shall notify the offender's supervising correctional probation officer of any violations by the offender.

1. The PRC provider shall provide payment receipts to each offender for payments received. The PRC provider shall have a written accounting policy and procedure.

2. Center rules governing conduct, program rules and regulations and disciplinary actions for prohibited conduct shall be clearly posted in each center. Program orientation shall include review of center rules.

(e) Supervision of offenders shall continue to be the responsibility of the assigned correctional probation officers.

(f) Transportation shall be the responsibility of the offender. Transportation shall be coordinated by the offender and the center staff as necessary.

(5) Standard Requirements. All PRCs shall require the following:

(a) Payment of Subsistence fees – PRC offenders who reside at the facility and who are employed shall pay a subsistence fee at the rate specified by the Department in writing with the service provider. The rate shall not exceed a \$25.00 daily rate and shall utilize a scale based on the amount earned by the offender.

(b) Drug screening and payment for drug screening – offenders shall submit to drug testing and shall provide payment for the cost of such testing.

(c) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or participation in a substance abuse or other Department-approved program.

(d) Participation in assigned programs, to include budgeting and banking of income and management of financial obligations.

(e) Adherence to curfew (by residents) as set by individual PRC regulations.

(f) Payment of court ordered financial obligations, to include restitution, court costs, and cost of supervision.

(6) Program Completion Requirements.

(a) Subsistence paid in full and current with all other court ordered financial obligations.

(b) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or program participation.

(c) Residential living plan that has been approved by the center staff and the supervising probation officer.

(d) Restitution plan, if applicable.

(e) Service of required period of time.

(7) Discharge from Program.

(a) Offenders' failure to comply with program policies, rules, and regulations shall result in an unsuccessful discharge.

(b) Offenders shall be successfully discharged upon completion of all program requirements and completion of the period of time ordered by the court or releasing authority.

(c) Offenders shall be administratively discharged from the program due to court actions or medical reasons or transfer to another facility based upon the offender's needs.

Specific Authority 944.026, 944.09 FS. Law Implemented 921.187, 944.026, 948.03, 958.04 FS. History–New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended 12-31-00,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:

RULE TITLE:

40D-4.091

Publications and Agreements

Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed revision to Section (9)(j)3. of Appendix IV of the Basis of Review for Environmental Resource Permitting is to remove the consideration of property taxes in the development of cost estimates for the perpetual maintenance of mitigation banks.

SUBJECT AREA TO BE ADDRESSED: Mitigation Banks.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen West, Deputy General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)423-1476, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~June 22, 2008~~. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

APPENDIX 4

BASIS OF REVIEW FOR THE ESTABLISHMENT AND USE OF

MITIGATION BANKS

- (1) through (8) No change.
- (9) Financial Responsibility.
- (a) through (i) No change.
- (j) Cost estimates.
- 1. through 2. No change.

3. The cost estimate for the perpetual management of the mitigation bank shall be based on the costs of maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports, taxes and any other costs associated with perpetual management. The amount of financial responsibility shall equal the cost of perpetual management for the bank, or for banks constructed in phases, for all phases for which credits have been released.

- 4. through 5. No change.
- (k) through (l) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.:	RULE TITLES:
60FF-5.004	Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers
60FF-5.006	Requirements for Fee Remittance Submitted by or on Behalf of Prepaid Wireless Service Providers

PURPOSE AND EFFECT: For both Rules 60FF-5.004 and 60FF-5.006, F.A.C., the purpose of the development is to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, F.S.

SUBJECT AREA TO BE ADDRESSED: Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers and Prepaid Wireless Service Providers.

SPECIFIC AUTHORITY: 365.172(6)(a)11., 365.172(8) FS. LAW IMPLEMENTED: 365.172(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-23.002

RULE TITLE: Operation of the Association

PURPOSE AND EFFECT: Effective October 1, 2008, Section 718.112(2)(f)4., Florida Statutes was amended with respect to the waiving of reserves in a condominium. Specifically, the statute now requires that proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for other purposes shall contain a disclosure statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot. The purpose of this rule is to renumber and amend the Sample Limited Proxy Form to comply with the new law and revise the financial reporting waiver language of the proxy form.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses disclosure requirements for limited proxies that are used to waive reserves, reduce reserves, or use reserves for other purposes.

SPECIFIC AUTHORITY: 718.112(2)(b)2., (d)3., 718.501(1)(f) FS. LAW IMPLEMENTED: 718.1085, 718.111(12), 718.112(2)(b)2., (b), (c), (d)3., 4., (f)4., 718.117, 718.501(2)(a), 718.504 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: February 9, 2009, 10:00 a.m. PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II,

at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>.

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

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.510	General
62-17.520	Definitions
62-17.540	Application for Corridor Certification, Amendments, Modifications
62-17.543	Alternate or Multiple Corridor Information
62-17.545	Fees, Disbursement of Funds, Contracts
62-17.570	Insufficiency of Application, Resolution Procedures
62-17.580	Conduct of Studies
62-17.590	Agency Reports, Compiled Agencies' Report with Summaries
62-17.600	Conditions of Certification; Delegated Modifications
62-17.625	Criteria for Rejection of an Alternate Corridor
62-17.660	Post-Certification Monitoring and Reporting
62-17.665	Dredging and Filling, Water Quality; Post-Certification Review
62-17.680	Modification of Certification
62-17.695	Emergency Replacement
62-17.700	Revocation or Suspension of Certification
62-17.710	Termination of Certification
62-17.750	Public Notice
62-17.760	Evidence of Notice, Additional Notice

PURPOSE AND EFFECT: The proposed rule amendments implement recent revisions to the Florida Electric Transmission Line Siting Act, Sections 403.520-403.539, F.S.

SUBJECT AREA TO BE ADDRESSED: Transmission line siting.

SPECIFIC AUTHORITY: 403.523(1) FS.

LAW IMPLEMENTED: 403.52-403.539 FS.

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

DATE AND TIME: Tuesday, February 10, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida 32399-3000

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 48 hours before the workshop/meeting by contacting: Ms. Jill Stoyshich at (850)245-2001. 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: Ms. Jill Stoyshich, Florida Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS 48, Tallahassee, Florida 32399; or jill.stoyshich@dep.state.fl.us, phone (850)245-2001

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

When a draft is prepared it will be made available at no charge from the contact person listed above or at the following internet site: www.dep.state.fl.us/siting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.415	Lower St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for the Lower St. Johns River Basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. The verified list for the Group 2 Lower St. Johns basin was adopted by Secretarial Order in May 27, 2004. TMDL calculations and allocations for each waterbody or waterbody segment will be adopted by rule, by the Secretary of the Department, pursuant to Sections 120.536(1), 120.54, and 403.805, F.S. This rule has been given OGC case number 09-0077.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for impaired waters in the above listed basin (as indicated in the order adopting the verified list for the basin and by the direction of the Florida Legislature).

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.067 FS.

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

DATE AND TIME: Friday, February 20, 2009, 1:30 p.m.

PLACE:

Northeastern District Office, Conference Room A, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

The draft TMDL documents will be placed on the Department's TMDL website by February 6, 2009: <http://www.dep.state.fl.us/water/tmdl>. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email at jan.mandrup-poulsen@dep.state.fl.us.

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 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.0011 RULE TITLE: Documentation Necessary for Licensure Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt an initial license application form to provide the web address and form number where the application form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Licensure application form.

SPECIFIC AUTHORITY: 457.104, 457.105 FS.

LAW IMPLEMENTED: 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.001 RULE TITLE: Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form and Part IV of the NCBE (National Chiropractic Board Examination) by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

SPECIFIC AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003 RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule development to clarify CE requirements.

SUBJECT AREA TO BE ADDRESSED: Procedure for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 478.43(1), (4), 478.50(2), (4)(a), (b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.401 RULE TITLE: Immunization Certification Application

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Immunization Certification Application.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.189 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.402 RULE TITLE: Pharmacy Permit Application; Community Pharmacy; Special Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permit Application; Community Pharmacy; Special Pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.018, 465.0196 FS.

LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 465.0197, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.705 RULE TITLE: Family-Related Medicaid General Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments update the revised KidCare application and procedures. Technical and non-substantive changes in the rule are included.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments change the language to include the February 2008 KidCare application and procedures.

SPECIFIC AUTHORITY: 409.918, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.818, 409.919 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: February 16, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-6.009 RULE TITLE: Identification Tags – Acceptable Materials, Locations, and Methods of Affixing

PURPOSE AND EFFECT: Section 497.171, F.S., authorizes the Board to adopt rules specifying acceptable materials, locations, and methods to affix identification tags to caskets, alternative containers, cremation containers, outer burial containers, and cremation interment containers. The proposed rule amendment will add, as an acceptable material for an identification tag, the use of an electronic identification marker that uses a passive radio frequency signal to communicate between the marker and a hand held receiver to identify the deceased.

SUBJECT AREA TO BE ADDRESSED: Adding a type of electronic identification marker that uses a passive radio frequency signal as an acceptable material for affixing an identification tag to caskets, alternative containers, cremation containers, outer burial containers, and cremation interment containers.

SPECIFIC AUTHORITY: 497.103(1)(n), (5)(a), 497.171 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.171 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: February 9, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., 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: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.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 IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-6.009 Identification Tags – Acceptable Materials, Locations, and Methods of Affixing.

(1) Caskets.

(a) Acceptable materials for an identification tag for a casket shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(2) Alternative Containers.

(a) Acceptable materials for an identification tag for an alternative container shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(3) Cremation Containers.

(a) Acceptable materials for an identification tag for a cremation container shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(4) Outer Burial Containers.

(a) Acceptable materials for a tag or permanent marker for outer burial containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

(5) Cremation Interment Containers.

(a) Acceptable materials for a tag or permanent marker for cremation interment containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

Specific Authority 497.103(1)(n), (5)(a), 497.171 FS. Law Implemented 497.103(1)(n), 497.171 FS. History–New 2-6-07, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES		69L-5.222	Revocation and Employer Compliance
Division of Worker's Compensation			
RULE NOS.:	RULE TITLES:	69L-5.223	Election Process
69L-5.101	Definitions	69L-5.224	Termination
69L-5.102	General Requirements	69L-5.225	Requirements
69L-5.103	Application	69L-5.226	Application Process
69L-5.104	Alternate Method of Application	69L-5.227	Alien Corporations Additional Requirements
69L-5.105	General Requirements	69L-5.228	Termination
69L-5.106	Financial Statement or Financial Summary	69L-5.229	Application Process
69L-5.107	Actuarial Reports	69L-5.230	Contracting with a Qualified Servicing Entity
69L-5.108	Security Deposits		
69L-5.109	Excess Insurance	69L-5.231	Forms and Instructions
69L-5.110	Experience Records	PURPOSE AND EFFECT: Rule Chapter 69L-5, F.A.C., is being amended to concurrently repeal and replace all existing rules with new rules which have been restructured and renumbered to promote clarity and efficiencies to the process by which self-insured employers comply with the duties and obligations associated with the privilege of self-insuring pursuant to Chapter 440, Florida Statutes. The purpose of Rule Chapter 69L-5, F.A.C., is to interpret and implement provisions of Chapter 440, Florida Statutes, regarding regulation by the Department of Financial Services and the Florida Self-Insurers Guaranty Association, Inc. of entities self-insuring the payment of compensation for Florida employees. The proposed new rules address the scope of the self-insurance authorization, the required filings, record maintenance and audit processes for self-insurers, the self-insurance process for both governmental entities and members and former members of the Florida Self-Insurers Guaranty Association, Inc., and the application process for and regulations regarding servicing entities. The proposed new rules also adopt forms for use with said rules. The proposed new rules differ from the existing self-insurer rules in various ways, including increasing the minimum net worth requirement to qualify to self-insure and by establishing new guidelines to be used in determining the financial strength of current and former self-insurers. In addition, the proposed new rules require security deposits for current and former self-insurers to be based on the entities' long term issuer credit rating in order to create a more structured and objective system for determining financial strength necessary to ensure timely payment of current and future claims. The proposed new rules also outline the penalties for self-insurers who late-file reports, fail to file them, fail to maintain loss records, or misclassify losses or other data which impacts the calculation and collection of assessments for the Workers' Compensation Administration Trust Fund and the Special Disability Trust Fund. Further, the proposed new rules include a change in the specific excess insurance requirements regarding the maximum retention amount allowed without additional approval, provide for a an electronic version of Form DFS-F2-SI-17, Unit Statistical Report, and eliminate the alternative method of application to self-insure.	
69L-5.111	Late Reports; Penalties		
69L-5.112	General Requirements		
69L-5.113	Application to Provide Servicing Retaining Authorization as Service Company; Recertification		
69L-5.114	Withdrawal of Authorization		
69L-5.115	Review and Audit		
69L-5.116	Forms, Manuals, and Instructions		
69L-5.117	Definitions		
69L-5.201	Scope of Self-Insurance		
69L-5.202	Authorization		
69L-5.203	Payroll Reporting		
69L-5.204	Maintenance of Payroll Records, Review and Audit		
69L-5.205	Loss Data Reporting		
69L-5.206	Maintenance of Loss Data Records, Review and Audit		
69L-5.207	Outstanding Liabilities Reporting		
69L-5.208	Maintenance of Outstanding Liabilities Records, Review and Audit		
69L-5.209	Financial Statements Reporting		
69L-5.210	Actuarial Reports		
69L-5.211	Changes in Anniversary Rating Date		
69L-5.212	Contact Information Reporting		
69L-5.213	Subsidiary, Affiliate and Location Reporting		
69L-5.214	Indemnity Agreements for Affiliated Self-Insurers		
69L-5.215	Parental Guaranty		
69L-5.216	Provision of Benefits and Safe Working Environment by Self-Insurers		
69L-5.217	Civil Penalties and Fines		
69L-5.218	Security Deposits		
69L-5.219	Excess Insurance		
69L-5.220	Drug-Free Workplace Premium Credit Program		
69L-5.221	Safety Program Premium Credit		

SUBJECT AREA TO BE ADDRESSED: Repeal of all existing rules in Rule Chapter 69L-5, F.A.C., and replacement of those rules with proposed new rules providing regulatory guidelines for employers self-insuring payment of compensation for employees, pursuant to Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.02(24), 440.101, 440.102, 440.1025, 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

DATE AND TIME: Monday, February 16, 2009, 10:00 a.m. – 12:00 Noon

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, 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: Robin Ippolito, (850)413-1775 or Robin.Ippolito@myfloridacfo.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 IS: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

GENERAL REQUIREMENTS

69L-5.101 Definitions.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Amended 12-17-85, Formerly 38F-5.30, Amended 3-11-87, 8-28-91, 12-19-93, Formerly 38F-5.030, Amended 5-19-97, Formerly 38F-5.101, 4L-5.101, Amended 3-8-06, Repealed.

QUALIFYING FOR SELF-INSURANCE

69L-5.102 General Requirements.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History–New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended 3-8-06, 10-29-06, Repealed.

69L-5.103 Application.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.103, 4L-5.103, Amended 3-8-06, Repealed.

69L-5.104 Alternate Method of Application.

Specific Authority 440.591, 440.38(2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 10-1-82, Amended 12-25-84, Formerly 38F-5.44, Amended 2-3-88, 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.044, Amended 5-19-97, Formerly 38F-5.104, 4L-5.104, Repealed.

RETENTION, REVOCATION, AND WITHDRAWAL

69L-5.105 General Requirements.

Specific Authority 440.38(1)(b), (2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 5-19-97, Formerly 38F-5.105, 4L-5.105, Repealed.

69L-5.106 Financial Statement or Financial Summary.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.47, Amended 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.047, Amended 5-19-97, Formerly 38F-5.106, 4L-5.106, Amended 3-8-06, Repealed.

69L-5.107 Actuarial Reports.

Specific Authority 440.38(1), (2) FS. Law Implemented 440.38(1), (2) FS. History–New 5-19-97, Formerly 38F-5.107, 4L-5.107, Repealed.

69L-5.108 Security Deposits.

Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.108, 4L-5.108, Repealed.

69L-5.109 Excess Insurance.

Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.36, Amended 2-3-88, 12-19-93, Formerly 38F-5.036, Amended 5-19-97, Formerly 38F-5.109, 4L-5.109, Repealed.

69L-5.110 Experience Records.

Specific Authority 440.38(1)(b), (2)(b), (3), 440.385 FS. Law Implemented 440.38(1)(b), (2)(b), (3), 440.385 FS. History–New 5-19-97, Formerly 38F-5.110, 4L-5.110, Repealed.

69L-5.111 Late Reports; Penalties.

Specific Authority 440.38(1)(b), (2)(b), 440.51(6)(b), 440.5705 FS. Law Implemented 440.38(1)(b), (2)(b), 440.51, 440.102, 624.24 FS. History–New 10-1-82, Formerly 38F-5.38, Amended 12-19-93, Formerly 38F-5.038, Amended 5-19-97, Formerly 38F-5.111, 4L-5.111, Repealed.

SERVICING FOR SELF-INSURERS

69L-5.112 General Requirements.

Specific Authority 440.38(1)(b), (2), (4)(b), 440.49(1)(a), 440.56(4) FS. Law Implemented 440.20(16), 440.38(1)(b), (2), 440.49(1)(a), 440.56(4) FS. History—New 10-1-82, Formerly 38F-5.31, Amended 12-19-93, Formerly 38F-5.031, Amended 5-19-97, Formerly 38F-5.112, 4L-5.112, Repealed.

69L-5.113 Application to Provide Servicing.

Specific Authority 440.38(1)(b), (2), (4)(b), 440.56(4) FS. Law Implemented 440.38(1)(b), (2), (4)(b), 440.56(4) FS. History—New 10-1-82, Amended 12-25-84, Formerly 38F-5.40, Amended 12-19-93, Formerly 38F-5.040, Amended 5-19-97, Formerly 38F-5.113, 4L-5.113, Repealed.

69L-5.114 Retaining Authorization as Service Company; Recertification.

Specific Authority 440.591, 440.38(2)(a) FS. Law Implemented 440.20(16), 440.38(1)(b), (2)(a), (b), (4)(b) FS. History—New 10-1-82, Amended 12-25-84, Formerly 38F-5.41, Amended 6-12-91, 12-19-93, Formerly 38F-5.041, Amended 5-19-97, Formerly 38F-5.114, 4L-5.114, Repealed.

69L-5.115 Withdrawal of Authorization.

Specific Authority 440.38(1)(b), (3)(b)5. FS. Law Implemented 440.38(2), (3) FS. History—New 10-1-82, Formerly 38F-5.42, Amended 12-19-93, Formerly 38F-5.042, Amended 5-19-97, Formerly 38F-5.115, 4L-5.115, Repealed.

PAYROLL AND CLAIMS RECORDS

69L-5.116 Review and Audit.

Specific Authority 440.38(2)(b), 440.51(6)(b) FS. Law Implemented 440.20(16)(c), 440.38(1)(b), (2)(b) FS. History—New 10-1-82, Formerly 38F-5.51, Amended 12-19-93, Formerly 38F-5.051, Amended 5-19-97, Formerly 38F-5.116, 4L-5.116, Repealed.

FORMS, MANUALS, AND INSTRUCTIONS

69L-5.117 Forms, Manuals, and Instructions.

Specific Authority 440.57, 440.5705, 440.591 FS. Law Implemented 440.381, 440.57, 440.5705, 624.316, 624.424 FS. History—New 5-19-97, Formerly 38F-5.117, 4L-5.117, Repealed.

GENERAL REQUIREMENTS

69L-5.201 Definitions.

(1) When used in these rules, the following words or terms shall mean:

(a) “Actuarial Report” – A report signed by a member of the American Academy of Actuaries providing an opinion of the appropriate present value of the self-insured reserves incurred in this state, using a four percent (4%) discount rate, for current and future claims.

(b) “Affiliated Self-Insurer” – Two or more entities affiliated by common majority ownership, which do not have a parent company to hold the self-insurance authorization, and

which are approved by the Department to fund their workers’ compensation liabilities as prescribed in Section 440.38(1)(b), F.S.

(c) “Alien Corporation” – A corporation formed under the laws of any country other than the United States.

(d) “A. M. Best Company” – An organization recognized by the U.S. Securities and Exchange Commission as a nationally recognized statistical rating organization whose ratings are permitted to be used for regulatory purposes.

(e) “Anniversary Rating Date” – The effective month and day of the beginning of the self-insurance authorization and each anniversary thereafter unless a different date is established.

(f) “Association” – The Florida Self-Insurers Guaranty Association, Inc.

(g) “Authorized Representative” – An individual or company authorized by the Department to operate on behalf of the Department; or an individual or company authorized by the Association to operate on behalf of the Association.

(h) “Credit Rating” – A long-term issuer credit rating issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(i) “Current Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization to self insure has not been revoked or voluntarily terminated.

(j) “Department” – Florida Department of Financial Services.

(k) “Division” – The Division of Workers’ Compensation within the Florida Department of Financial Services.

(l) “F.A.C.” – Florida Administrative Code.

(m) “F.S.” – Florida Statutes.

(n) “FSIGA Member” – A Current Self-Insurer or Former Self-Insurer authorized by the Department as defined in Sections 440.02(24)(a) and 440.38(1)(b), F.S., other than self-insurers which are Public Utilities or Governmental Entities.

(o) “Financial Statement(s)” – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show financial position and intended to communicate an entity’s economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with Generally Accepted Accounting Principles and presented in the English language.

(p) “Former Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization has been revoked or voluntarily terminated with remaining outstanding workers’ compensation liabilities.

(q) “Generally Accepted Accounting Principles” – Accounting principles generally accepted in the United States of America in effect as of June 1, 2006, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB). These materials are entitled Original Pronouncements 2006/2007 Edition, Vols. I, II, & III, dated June 1, 2006, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, 1(800)748-0659, <http://www.fasb.org>.

(r) “Generally Accepted Auditing Standards” – Auditing standards generally accepted in the United States of America in effect as of January 1, 2007, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), as amended by the AICPA Auditing Standards Board (ASB), standards promulgated by the ASB in the form of Statements on Auditing Standards and standards promulgated by the Public Company Accounting Oversight Board (PCAOB). The AICPA materials are entitled Codification of Statements on Auditing Standards, dated January 1, 2007, available from the AICPA at <http://www.cpa2biz.com> or call 1(888)777-7077. The rules and standards of the PCAOB are available at no charge at <http://www.pcaobus.org>.

(s) “Governmental Entity” – The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities, pursuant to Section 440.38(6), F.S.

(t) “Investment Grade Credit Rating” – A long-term issuer credit rating equal to or higher than “Baa3”, “BBB-”, or “BBB-”, issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings, respectively. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(u) “Manual Premium” – Premium determined by multiplying the payroll (segregated into the proper workers’ compensation job classifications) times the manual rates per \$100 of payroll in effect at the start of the payroll period covered, as further defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(v) “NCCI” – The National Council on Compensation Insurance, Inc.

(w) “Net Worth” – Stockholders’ equity, owners’ equity or net assets as shown on the balance sheet of the Financial Statements.

(x) “Qualified Servicing Entity” – Any company approved by the Department to adjust and submit workers’ compensation claims to the Division and/or provide safety services and loss control on behalf of the self-insurer.

(y) “Security Deposit” – A security deposit conforming to the requirements of Section 440.38(1)(b)4., F.S.

(z) “Specific Excess Insurance Policy” – A specific excess workers’ compensation insurance policy approved by the Florida Office of Insurance Regulation which provides for the actual transfer of risk to the excess carrier.

(aa) “Standard Premium” – As defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(bb) “Successor Entity” – Any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of a Current Self-Insurer or Former Self-Insurer, pursuant to Chapter 440, F.S.

Specific Authority 440.02(24), 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New

69L-5.202 Scope of Self-Insurance Authorization.

(1) Approval of a self-insurance authorization in accordance with Section 440.38, F.S., and these rules will be continuous unless and until revoked or voluntarily terminated.

(2) The self-insurance authorization of a Current Self-Insurer is restricted to the authorization holder and it’s wholly or majority owned subsidiaries.

(3) Where the Current Self-Insurer is an Affiliated Self-Insurer, the self-insurance authorization is restricted to entities affiliated by common majority ownership and their wholly or majority owned subsidiaries.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New

UNIVERSAL REQUIREMENTS

REQUIRED FILINGS, RECORDS MAINTENANCE AND AUDIT

69L-5.203 Payroll Reporting.

(1) Self-Insurers shall report payroll data for all entities covered under the self-insurance authorization using Form DFS-F2-SI-5 (Self-Insurer Payroll Report). Failure to submit the required payroll reports, understatement or concealment of payroll, or the misrepresentation of employee duties so as to avoid proper classification shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(a) Current Self-Insurers and Former Self-Insurers shall complete Form DFS-F2-SI-5 by submitting payroll by classification code for the latest completed period beginning on the Anniversary Rating Date.

(b) Former Self-Insurers shall submit this report until the final payroll period has been reported.

(c) Current Self-Insurers shall submit Form DFS-F2-SI-5 no later than sixty (60) days after their Anniversary Rating Date. Former Self-Insurers shall submit their final DFS-F2-SI-5 no later than ninety (90) days after the revocation or voluntary termination of the self-insurance authorization.

1. Governmental Entities and Public Utilities shall submit Form DFS-F2-SI-5 to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

2. FSI GA Members shall submit Form DFS-F2-SI-5 to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.204 Maintenance of Payroll Records, Review and Audit.

(1) The payroll records of all Current Self-Insurers and Former Self-Insurers shall be open for inspection and audit by the Department, or its Authorized Representative, during regular business hours. Self-insurers are required to maintain payroll records that reflect a true and accurate division by the classification codes contained in the NCCI SCOPES of Basic Manual Classifications and the NCCI Basic Manual for Workers' Compensation and Employers Liability (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code for each employee may be determined. If such records are not maintained, then the entire payroll shall be presumed to be within the classification code to which the highest insurance rate is applicable. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the end of the payroll period. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll or classification deficiencies. The self-insurer shall have thirty (30) days from

the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

(3) If any audit of such records discloses an underpayment of the Workers' Compensation Administration Trust Fund or Special Disability Trust Fund assessment in excess of \$1,000.00, then the cost of the audit shall be paid by the self-insurer to the Department. The calculation of the cost of the audit shall be based on the following:

(a) The hourly rate of the Department's employee(s) plus expenses, or

(b) The amount charged by the Authorized Representative.

(4) All payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(5) Payment of audit costs shall be made within thirty (30) days after receipt of the final report. This shall be in addition to any penalties or interest that shall otherwise be due.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.205 Loss Data Reporting.

(1) Current Self-Insurers and Former Self-Insurers shall submit loss data for all entities covered under the self-insurance authorization on Form SI-17 or the electronic equivalent provided by the Department. Failure to submit the required loss data forms or material understatement or concealment of data shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties.

(a) The Division or the Association shall, within at least ten (10) days prior to the evaluation date, electronically advise each self insurer of the covered periods for the submission of the loss data.

(b) Current Self-Insurers will complete Form SI-17 or the electronic equivalent of Form SI-17 by submitting loss data for the current evaluation year and the prior two (2) evaluation years.

(c) Former Self-Insurers shall continue to submit this report until the loss data for the final period of authorization has been reported for three (3) years.

(d) The completed Form SI-17 or the electronic equivalent of Form SI-17 shall be mailed or transmitted to the Division or the Association no later than sixty (60) days after the evaluation date.

1. Governmental Entities who are unable to transmit an electronic version of Form SI-17 shall mail the completed Form SI-17, no later than 60 days after the evaluation date to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

2. FSIGA Members who are unable to transmit the electronic version of Form SI-17 shall mail the completed Form SI-17 to:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(e) The Division will promulgate the experience modification using the NCCI Basic Manual for Workers' Compensation and Employers' Liability and the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(f) The experience modification shall be used in the calculation and collection of assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund, and the Florida Self-Insurers Guaranty Association, Inc.

(g) The Division shall provide a copy of the experience rating worksheet to each self-insured employer and FSIGA.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.206 Maintenance of Loss Data Records, Review and Audit.

(1) All records supporting the submitted Form SI-17 or its electronic equivalent shall be open for inspection and audit by the Department or its Authorized Representative, during regular business hours. Self-insurers are required to maintain loss records that reflect a true and accurate division by the classification codes, status type, and injury codes contained in the NCCI Workers' Compensation Statistical Plan Manual (filed and approved by the Florida Office of Insurance Regulation) and the NCCI Basic Manual for Workers' Compensation and Employers Liability (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code, status type, and injury code for each accident may be determined. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the last date the claims data was used for calculation of the experience modification. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll, loss, or

classification deficiencies. The self-insurer shall have thirty (30) days from the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

(3) If any audit of such records discloses an underpayment of the Workers' Compensation Administration Trust Fund or Special Disability Trust Fund assessment in excess of \$1,000.00, then the cost of the audit shall be paid by the self-insurer to the Department. The calculation of the cost of the audit shall be based on the following:

(a) The hourly rate of the Department's employee(s) plus expenses, or

(b) The amount charged by the Authorized Representative.

(4) All payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(5) Payment of audit costs shall be made within thirty (30) days after receipt of the final report. This shall be in addition to any penalties or interest that shall otherwise be due.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.207 Outstanding Liabilities Reporting.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall report their outstanding self-insured workers' compensation liabilities for all entities covered under the self-insurance authorization on Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities). This includes all outstanding liabilities of Former Self-Insurers for which the Current Self-Insurer is the Successor Entity. Form DFS-F2-SI-20 shall be accompanied by a loss run substantiating all amounts reported on the form, be signed by an Authorized Representative of the Self-Insurer or its Qualified Servicing Entity, and be submitted no later than 120 days after the end of the self-insurer's fiscal year. The evaluation date shall not be prior to the end of the self-insurer's latest fiscal year. Failure to submit the required Report of Outstanding Workers' Compensation Liabilities, or material understatement or concealment of loss reserves, shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(2) FSIGA Members shall submit Form DFS-F2-SI-20 to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.208 Maintenance of Outstanding Liabilities Records, Review and Audit.

(1) All records supporting Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities) shall be open for inspection and audit by the Department, the Association, or their Authorized Representative, during regular business hours. Each self-insurer is required to maintain all records supporting Form DFS-F2-SI-20. To ensure their availability for audit purposes, the records shall be retained for five (5) years after closing of a claims file.

(2) The location of these records shall be provided to the Department or Association upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.209 Financial Statements Reporting.

Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall submit their Financial Statements no later than 120 days after the end of their fiscal year. Failure to submit the required Financial Statements shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) The Financial Statements shall meet the following requirements:

(a) The Financial Statements shall be in the name of the entity holding the self-insurance authorization.

(b) The Financial Statements shall demonstrate that the self-insurer has the financial strength necessary to ensure the timely payment of all current and future claims.

(c) The Financial Statements shall show a Minimum Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium, and:

(d) The Financial Statements shall be audited in accordance with Generally Accepted Auditing Standards.

(2) All legal entities included under the self-insurance authorization shall submit Financial Statements in accordance with this rule. Separate Financial Statements shall be submitted for each entity unless consolidated or combined Financial Statements are submitted. All Financial Statements submitted must comply with the provisions of this rule. However, for purposes of meeting the Minimum Net Worth requirement, the Net Worths of the companies comprising an Affiliated Self-Insurer may be combined.

(3) If a majority of the assets and/or stocks of a Current Self-Insurer are purchased by a Successor Entity and the Current Self-Insurer can no longer provide Financial Statements in its own name, then the Current Self-Insurer's

authorization shall be revoked unless the Successor Entity becomes a Current Self-Insurer pursuant to this rule or the Current Self-Insurer voluntarily terminates its self-insurance authorization. Application for a self-insurance authorization by the Successor Entity must be made within thirty (30) days of the effective date of the acquisition or restructuring.

(4) The Successor Entity of a Former Self-Insurer shall submit its Financial Statements in accordance with this rule.

(5) The Successor Entity shall acknowledge liability for payment of the Former Self-Insurer's self-insured workers' compensation liabilities by providing a written statement executed by a senior executive officer of the Successor Entity.

(6) FSI Members shall submit Financial Statements to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.210 Actuarial Reports.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that do not have Investment Grade Credit Ratings shall be required to submit Actuarial Reports within 120 days after the end of their fiscal year or any other date requested by the Department or the Association.

(a) Actuarial Reports shall have a valuation date not more than 180 days prior to the date submitted to the Department or the Association.

(b) If requested by the Department or the Association, any Current Self-Insurer or Former Self-Insurer, other than a Governmental Entity, shall be required to submit an Actuarial Report.

(2) The Department or the Association may require that the Actuarial Report include a forecast of loss reserves to a future date and request an Actuarial Report at any time.

(3) FSI Members shall submit Actuarial Reports to the:
Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.211 Changes in Anniversary Rating Date.

(1) Any Current Self-Insurer desiring to change its Anniversary Rating Date shall submit a request in writing.

(a) Governmental Entities shall submit requests to the:
Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit requests to the:
Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(2) Upon receipt of the written request, the Division or the Association shall advise the self-insurer in writing within thirty (30) days as to the effective date of the change, if approved, using the NCCI Workers' Compensation Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation) to determine this date.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History-New _____.

69L-5.212 Contact Information Reporting.

Current Self-Insurers and Former Self-Insurers shall provide written notification of changes in their contact information within thirty (30) days of the effective date of the change. Notification shall be submitted as follows:

(1) Governmental Entities shall submit contact information to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) FSIGA Members shall submit contact information to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History-New _____.

69L-5.213 Subsidiary, Affiliate and Location Reporting.

(1) Current Self-Insurers shall provide written notification of changes in the names and addresses, as well as changes in the structure, of the self-insurer, its affiliates and their wholly or majority owned subsidiaries, along with the Federal Employer Identification Number (FEIN), fictitious names, and percentage of ownership for each legal entity included under the self-insurance authorization within thirty (30) days of the effective date of the change. Current Self-Insurers shall also provide written notification of changes in the addresses of all

operating locations with employees within the State of Florida, which are included under the self-insurance authorization within thirty (30) days of the effective date of the change.

(2) Current Self-Insurers shall annually certify the accuracy of their subsidiary, affiliate and location information. Such certification shall be signed by an officer of the Current Self-Insurer.

(3) Notifications of changes and annual certifications shall be submitted as follows:

(a) Governmental Entities shall submit location information to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit location information to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History-New _____.

69L-5.214 Indemnity Agreements for Affiliated Self-Insurers.

Affiliated Self-Insurers must execute a new Form DFS-F2-SI-11 (Indemnity Agreement) within thirty (30) days of changes in the affiliates included under the self-insurance authorization. Form DFS-F2-SI-11 shall be executed by an officer of each affiliated entity to be included under the self-insurance authorization. The executed form shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History-New _____.

69L-5.215 Parental Guaranty.

Notwithstanding any other provisions of these Rules to the contrary, if a parent company that directly or indirectly owns 100% of a Current Self-Insurer, Former Self-Insurer or applicant for self-insurance elects to execute Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution), then:

(1) The Financial Statements of the parent company shall be used to apply the financial statement requirements of subsections 69L-5.209(1) and 69L-5.228(3), F.A.C.,

(2) The Credit Rating of the parent company shall be used to determine the Security Deposit in accordance with Rule 69L-5.218, F.A.C.,

(3) the Net Worth of the parent company shall be used to determine the excess insurance requirements in accordance with paragraph 69L-5.219(1)(a), F.A.C.,

(4) the Net Worth of the parent company shall be used to apply the Minimum Net Worth requirements in subsection 69L-5.228(1), F.A.C., and

(5) the Credit Rating of the parent company shall be used to apply the minimum requirements in subsection 69L-5.228(2), F.A.C., and the initial security deposit requirements of subsection 69L-5.228(5), F.A.C.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.216 Provision of Benefits and a Safe Working Environment by Self-Insurers.

(1) It shall be the sole responsibility of Current Self-Insurers and Former Self-Insurers to provide for competent persons to service their self-insurance program in the areas of claims adjusting, safety engineering and loss control. This shall be done through either the use of their own employees, who are determined by the Department to be competent in these areas, or by contracting with a Qualified Servicing Entity approved by the Department to provide these services. A list of Qualified Servicing Entities may be obtained by contacting the Department at:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) Current Self-Insurers and Former Self-Insurers choosing to use their own employees to provide these services must obtain prior approval from the Department and shall submit Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) within thirty (30) days of a change in servicing arrangement and at least every three (3) years thereafter.

(3) Current Self-Insurers or Former Self-Insurers contracting with Qualified Servicing Entities must file Form DFS-F2-SI-19 within thirty (30) days of entering into a servicing contract.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(4) Failure to submit the required Certification of Servicing shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(5) In the event that self-insured claims are transferred to a new Qualified Servicing Entity or the self-insurer assumes responsibility for provision of these services in-house, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity or the self-insurer to establish accurate claims, reserving, and accounting data. Form DFS-F2-DWC-49 (Aggregate Claims Administration Change Report) shall be submitted to the Division at the time of this transfer of duties.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.217 Civil Penalties and Fines.

(1) Civil Penalties for Delinquent Reports – Failure to timely file legible and complete forms, reports or documents as required by Section 440.38(2)(b), F.S., or these rules, shall subject the party required to file such form, report, or document to assessment by the Department of a civil penalty. For purposes of this rule, a form, report or document is considered timely filed if postmarked on or before the due date prescribed in this rule. Reports submitted by a Qualified Servicing Entity on behalf of the self-insurer shall be treated as if they were submitted by the self-insurer directly.

(a) Late filed forms, reports, and documents required pursuant to this rule shall be penalized as follows:

1. \$100 for filings 1 to 14 days late.
2. \$2,500 for filings 15 to 30 days late.
3. \$5,000 for filings 31 to 60 days late.
4. For periods greater than sixty (60) days, \$200 per day from the required filing date.

(b) These civil penalties are to be applied per occurrence, per form, report, or document. Payment shall be made within fifteen (15) days after receipt of the notification and submitted along with the form, report, or document. Failure to submit the required forms, reports and documents constitutes good cause for revocation of the self-insurance authorization in addition to civil penalties specified in this rule.

(2) A request for an extension of time to file a form, report or document shall be made in writing by the self-insurer or its Qualified Servicing Entity and shall be postmarked no later than fifteen (15) days prior to the due date of the form, report or document. Extensions shall be granted in writing and notice

provided to the self-insurer or Qualified Servicing Entity. Such extension shall establish a new one-time due date subject to the same provision for late filing.

(a) For forms, reports, or documents, other than Actuarial Reports requested by the Association and Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer or Qualified Servicing Entity that circumstances entirely beyond the control of the self-insurer or its Qualified Servicing Entity have made it impossible to file in a timely manner. Such circumstances shall be limited to:

1. The destruction of the records of the self-insurer or its Qualified Servicing Entity.

2. Delays caused by Acts of God or nature; or,

3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(b) Clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or its Qualified Servicing Entity or any delays caused by the incompetence of the employees of the self-insurer or its Qualified Servicing Entity shall not be grounds for an extension.

(c) For Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer that circumstances entirely beyond the control of the self-insurer have made it impossible to file in a timely manner. Extensions may be granted for up to sixty (60) days if the self-insurer submits draft Financial Statements and provides evidence that the reason for the delay in submittal is entirely beyond the control of the self-insurer. For extensions beyond sixty (60) days from the original due date, circumstances shall be limited to:

1. The destruction of the records of the self-insurer,

2. Delays caused by Acts of God or nature; or,

3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(3) For consideration of extensions beyond sixty (60) days from the original Financial Statements due date, clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or any delays caused by the incompetence of the employees of the self-insurer shall not be grounds for an extension.

(4) Fines for Delinquent Payment of Assessments – Assessments payable to the Florida Self-Insurers Guaranty Association, Inc., not postmarked by the due date, shall pay a fine of \$100 or 5% of the assessment due, whichever is greater, per month until paid.

(5) All civil penalty and fine payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services

Division of Workers' Compensation

Bureau of Monitoring and Audit/Self-Insurance

200 East Gaines Street

Tallahassee, FL 32399-4224

(6) Failure to submit forms, reports, documents, Financial Statements or Actuarial Reports and/or remit civil penalties or fines shall be grounds for revocation.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.218 Security Deposits.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that have a current Investment Grade Credit Rating shall maintain a minimum Security Deposit of \$100,000.

(2) Current Self-Insurers, other than Governmental Entities, that do not have a current Investment Grade Credit Rating shall provide a Security Deposit in an amount equal to the greater of the actuarially determined outstanding loss reserves discounted to present value, using a four percent (4%) discount rate, or the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(3) Former Self-Insurers, other than Governmental Entities, that do not have an Investment Grade Credit Rating shall provide a Security Deposit equal to the actuarially determined outstanding loss reserves discounted to present value at a four percent (4%) discount rate. In no case shall the amount of the Security Deposit be less than \$100,000.

(4) In the event that a Current Self-Insurer or Former Self-Insurer does not have a current published Credit Rating, the Association or the Department shall determine an equivalent rating by incorporating data from Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., into credit risk estimation models and the amount of the Security Deposit shall be determined using the equivalent rating as the Credit Rating. A Current Self-Insurer or Former Self-Insurer that disagrees with the equivalent rating may provide a current Credit Rating. If the Current Self-Insurer or Former Self-Insurer provides a current Credit Rating, the security deposit requirement will be determined using the current Credit Rating instead of the equivalent rating and any excess security deposit will be released.

(5) As of the effective date of this rule, Current Self-Insurers and Former Self-Insurers that do not have an Investment Grade Credit Rating, or an equivalent rating at least equal to an Investment Grade Credit Rating as determined by the Association, shall provide the required security deposit increase amount in accordance with subsection (2) or (3) above, as applicable, within twelve (12) months of the effective date of this rule. However, within this twelve (12) month period, any Current Self-Insurer or Former Self-Insurer who experiences a deterioration in its Credit Rating or equivalent rating as determined by the Association to a Credit Rating that is less than an Investment Grade Credit Rating shall be required to provide an Actuarial Report and to post the security increase amount as determined by subparagraph (2) or (3) above, as applicable, immediately upon request by the Department. The provisions of this subparagraph expire twelve (12) months after the effective date of this rule.

(6) The Security Deposit shall be maintained until the authorization holder is a Former Self-Insurer who has demonstrated that there is no remaining value to its self-insured workers' compensation claims and the statute of limitations has run on closed claims. Prior to the release of the Security Deposit, the Former Self-Insurer and its Qualified Servicing Entity(ies) shall provide signed affidavits stating that all self-insured workers' compensation claims have been settled or the statute of limitations has run on closed claims.

(7)(a) If the self-insurer is a FSIGA Member, the Security Deposit must be submitted to and executed in favor of the Association. The Security Deposit shall be held by the Association or the Department exclusively for the benefit of workers' compensation claimants. The Security Deposit shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of workers' compensation benefits under Chapter 440, F.S.

(b) For FSIGA Members, security deposit forms can be obtained from and shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.

1427 E. Piedmont Dr., 2nd Floor

Tallahassee, Florida 32308

(8) A Security Deposit shall consist of, at the option of the employer:

(a) A Surety Bond on Form DFS-F2-SI-4 (Self-Insurer's Surety Bond for FSIGA Member), which shall be issued by a corporation surety authorized to transact surety business by the Florida Department of Financial Services, Office of Insurance Regulation, and whose financial strength and size ratings from A. M. Best Company are not less than "A" and "V" respectively, or

(b) An Irrevocable Letter of Credit on Form DFS-F2-SI-6 (Self-Insurer's Irrevocable Letter of Credit), which shall be issued by a financial institution located within the State of Florida and the deposits of which are insured through the Federal Deposit Insurance Corporation.

(9)(a) No surety bond shall be terminated and no irrevocable letter of credit shall be allowed to expire, without ninety (90) days prior written notice and a deposit by the self-insurer of some other Security Deposit of equal value within ten (10) business days after such notice. Failure to provide such written notice or failure to timely provide a replacement Security Deposit after such notice shall constitute grounds for the Association or Division to call or sue upon the surety bond or to exercise its rights under the letter of credit. For Former Self-Insurers, a surety bond may be terminated without replacement, but shall not be released until such time as the Former Self-Insurer has demonstrated that there is no remaining value to its self-insured workers' compensation claims, the statute of limitations has run on closed claims, and the Former Self-Insurer has submitted the signed affidavits in accordance with these rules. Notice shall be submitted to:

(b) For FSIGA Members,

Florida Self-Insurers Guaranty Association, Inc.

1427 E. Piedmont Dr., 2nd Floor

Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.219 Excess Insurance.

(1) Current Self-Insurers, other than Governmental Entities, shall maintain a Specific Excess Insurance Policy. Such policy shall have statutory workers' compensation limits.

(a) The self-insured retention of Specific Excess Insurance Policies shall be as follows:

1. The self-insurer's per occurrence retention shall be no more than \$500,000 or 1% of the self-insurer's Net Worth as shown on the self-insurer's latest audited Financial Statements, whichever is greater. The self-insured retention shall be rounded to the nearest \$50,000.

2. A higher self-insured retention may be allowed, if approved by the Department. The Department shall consider the Current Self-Insurer's financial strength in its review of the requested self-insured retention.

(b) Specific Excess Insurance Policies for Current Self-Insurers shall be written by insurance companies licensed in Florida pursuant to Chapter 624, 628 or 629, F.S., and shall be subject to the protection afforded by the Florida Workers' Compensation Insurance Guaranty Association Act (Chapter 631, Part V, F.S.).

(c) If coverage is not available from a company identified above, the Department may accept policies issued without the protection of the Florida Workers' Compensation Insurance

Guaranty Association Act issued by insurance companies who have current financial strength and size ratings from A. M. Best Company of not less than "A-" and "VII" respectively.

(d) The Division shall reject any Specific Excess Insurance Policy written by an insurance company which:

1. Does not pay its claims when due; or,

2. Is not in compliance with any requirement of Chapter 624, F.S.

(e) The Specific Excess Insurance Policy shall meet the following requirements:

1. Shall be issued by an insurance company conforming to these rules and shall name the Department as an additional insured for the purpose of notification.

2. Shall not be cancelled except upon sixty (60) days written notice by certified mail to the other party to the policy and to the Department.

(f) Shall be automatically renewable at the expiration of the policy period unless written notice by certified mail is given to the other party to the policy and to the Department sixty (60) days prior to such expiration by the party desiring to cancel or not renew the policy.

(g) Shall provide that any commutation affected under the policy shall not relieve the underwriter of further liability in respect to claims and expenses unknown at the time of such commutation. The underwriter shall not be relieved in regard to closed claims, which may be subsequently revived by or through a competent authority. In the event the underwriter proposes to redeem any future payments as compensation for accidents occurring during the term of the policy, not less than sixty (60) days prior notice of such commutation shall be given to the Department by certified mail by the underwriter or its agent.

(h) Provides that, in the event any commutation is effected, the Department shall have the right to direct that such sum either be placed in trust for the benefit of the injured employee or employees entitled to such future payments of compensation or be invested in approved securities and deposited with the Department to insure such future payments of compensation to the employee or employees entitled thereto. Said commutation must contain a provision that the Department may order that the monies due under the terms of the Specific Excess Insurance Policy be paid directly to the injured employee or such other party as the Department may appoint. Such an action shall be ordered only if the Department determines that it is necessary to ensure continued benefits to the injured employee.

(i) Contains the provision that in the event of the insolvency of a FSIGA Member, the policy shall reimburse the Association for any monies expended on behalf of the self-insured. Any reimbursement shall be subject to the terms of the contract between the FSIGA Member and the insurance company.

(j) The Specific Excess Insurance Policy shall have no more than one named insured. The named insured shall be the FSIGA Member and its subsidiaries. In the case of an Affiliated Self-Insurer, the named insured shall be all affiliated entities and their subsidiaries.

(k) Contains the provision that coverage under the Specific Excess Insurance Policy extends to all Florida, majority owned, self-insured subsidiaries of the principal named insured.

(2) A binder, providing for at least ninety (90) days coverage, or a certificate of insurance issued by the insurance company or its authorized agent and specifying the terms of the policy, shall be filed within thirty (30) days after the effective date of the policy, provided that this proof of specific excess insurance is not being submitted in support of an application for self-insurance. Excess renewal endorsements specifying the terms of the policy submitted to the Association within thirty (30) days after the renewal date satisfies this requirement. In the event of cancellation or non-renewal of the Specific Excess Insurance Policy, it shall be necessary for the Current Self-Insurer to file proof of replacement specific excess insurance coverage prior to the cancellation or non-renewal date. Copies of all Specific Excess Insurance Policies, complete with all endorsements in the name of the insured, shall be filed within ninety (90) days of the effective date of the policy.

(3) FSIGA Members shall submit Specific Excess Insurance Policies and all related documents and notices to the: Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

(4) If requested by the Association or the Division, self-insurers shall provide copies of excess insurance policies to support estimated excess insurance recoveries included in their Actuarial Reports provided to the Association or the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.220 Drug-Free Workplace Premium Credit Program.

(1) In order for a self-insurer to receive up to a five percent (5%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a drug-free workplace in accordance with Sections 440.101 and 440.102, F.S.

(2) The certification must be completed using NCCI Form 09-1 (Application for Drug-Free Workplace Premium Credit) and shall be filed annually, sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-1 shall be mailed to the:

Department of Financial Services
Division of Workers' Compensation
Assessments Unit
200 East Gaines Street
Tallahassee, FL 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.221 Safety Program Premium Credit.

(1) In order for a self-insurer to receive up to a two percent (2%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a workplace safety program in accordance with Section 440.1025, F.S.

(2) The certification must be completed using the NCCI Form 09-3 (Certification of Employer Workplace Safety Program Premium Credit) and shall be filed annually sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-3 shall be mailed to the:

Department of Financial Services
Division of Workers' Compensation
Assessments Unit
200 East Gaines Street
Tallahassee, Florida 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.222 Revocation and Employer Compliance.

(1) Failure to comply with any of the rules herein or with any order of the Department or court of competent jurisdiction within the time prescribed shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S. Noncompliance with any of the provisions of the Workers' Compensation Law, Chapter

440, F.S., particularly those relating to time and method of compensation payments, the furnishing of medical treatment and filing of accident and compensation reports, or failure to pay any assessment or penalty, shall likewise be deemed good cause.

(2) Material understatement or concealment of payroll, and material misrepresentation or concealment of employee duties, so as to avoid proper classification shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S., and/or action by the Department under Section 440.107, F.S. Material understatement or concealment of data pertinent to the computation and application of an experience modification factor shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S., and/or action by the Department under Section 440.107, F.S.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

SELF-INSURANCE PROCESS FOR GOVERNMENTAL ENTITIES

69L-5.223 Election Process.

(1) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities that are electing to self-insure pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least ninety (90) days prior to the preferred effective date of self-insured status, the following information:

(a) Copy of document(s) through which the entity is organized or authorized to operate as a Governmental Entity, including articles of incorporation, grant of authority, or charter, if applicable;

(b) Application for Governmental Self-Insurance, Form DFS-F2-SI-1G, incorporated by reference into Rule 69L-5.213, F.A.C.;

(c) Application for Governmental Self-Insurance Estimated Payroll, Form DFS-F2-SI-GEP, incorporated by reference into Rule 69L-5.213, F.A.C.;

(d) Certification of Servicing for Self-Insurers, Form DFS-F2-SI-19, incorporated by reference into Rule 69L-5.213, F.A.C.; and

(e) Workers' Compensation Experience Rating For Non-Affiliate Data, NCCI Form ERM-6, for the current and two (2) preceding years, as set forth in the National Council on Compensation Insurance (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability

Insurance, incorporated by reference into Rule 69L-5.213, F.A.C. The notification and supporting documentation shall be submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) Upon receipt of the notification and supporting documentation from an entity defined within the scope of Section 440.38(6), F.S., the Division shall provide to the entity the "Insurer Code #" pursuant to Rule 69L-3.002, F.A.C., prior to the effective date of self-insured status for compliance with filing requirements of Rule Chapters 69L-3 and 69L-7, F.A.C.

(3) Forms adopted. The forms set forth in paragraphs 69L-5.223(1)(b)-(e), F.A.C., as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms set forth in paragraphs 69L-5.223(1)(b)-(d), F.A.C., are available from:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(4)(a) The form set forth in paragraph 69L-5.223(1)(e), F.A.C., is found within the National Council on Compensation Insurance, Inc. (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance. A copy of the Manual and a one (1) year subscription to any and all updates may be obtained from:

National Council on Compensation Insurance, Inc.
750 Commerce Drive
Boca Raton, FL 33487
Telephone (800)622-4123, at a cost of \$95.

(b) A copy of the Manual is also available for viewing at:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
2012 Capital Circle, S.E., Hartman Building, Suite 200
Tallahassee, FL 32399-4224.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.224 Termination.

A Governmental Entity who ceases self-insurance shall notify the Division of such withdrawal and shall continue to file all reports required by this rule with the Division upon withdrawal and thereafter until such time as the employer has satisfied the Division that there is no remaining value to the claims incurred while the employer was self-insured.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

SELF-INSURANCE PROCESS FOR FSIGA MEMBERS

69L-5.225 Requirements.

(1) An entity applying for a self-insurance authorization pursuant to Section 440.38(1)(b), F.S., shall meet the following requirements and shall submit a completed application package at least ninety (90) days prior to the desired effective date of the self-insurance authorization:

(a) Net Worth – The applicant's most recent audited Financial Statements shall show a Minimum Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium.

(b) Financial Strength – A current Credit Rating of not less than "Ba3", "BB-", or "BB-" issued by Moody's Investors Services, Standard & Poor's or Fitch Ratings, respectively. In the event an applicant does not have a current published Credit Rating, the Association shall determine an equivalent rating by incorporating data from Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., into credit risk estimation models and the foregoing financial strength requirement shall be based on the equivalent rating as the Credit Rating. An applicant that disagrees with the equivalent rating may provide a current Credit Rating. If the applicant provides a current Credit Rating, the financial strength requirement shall be based on the current Credit Rating instead of the equivalent rating.

(c) Financial Statements – An applicant shall have at least three (3) years of Financial Statements in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the Financial Statements for the two (2) years prior to the most recent year have been audited in accordance with Generally Accepted Auditing Standards, the audit reports(s) on these Financial Statements shall also be submitted.

(d) An applicant which does not have three (3) years of Financial Statements in its own name due to a recent purchase or merger, may use the Financial Statements of its predecessor(s), provided there has been no change to the structure of the entity or the line of business which would adversely affect the applicant's financial condition.

(e) Security Deposit – The applicant shall provide a Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C. In the event the applicant meets the above financial strength requirement, but does not have an Investment Grade Credit Rating, the applicant shall provide a Security Deposit in an amount equal to the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a

four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(f) Specific Excess Insurance Policy Requirements – The applicant shall provide proof of a Specific Excess Insurance Policy that conforms to the requirements of Rule 69L-5.219, F.A.C.

(g) Provision of Benefits and a Safe Working Environment – The applicant shall provide a completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(h) In order for an application to be considered complete, all required documents must be submitted, including the Security Deposit, proof of Specific Excess Insurance Policy, and Certification of Servicing for Self-Insurers.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.226 Application Process.

(1) An application for self-insurance shall be made on Form DFS-F2-SI-1 (Application for Self-Insurance). An application may be obtained at:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, FL 32308

or:

www.fsga.org

(2) All applications for self-insurance shall be submitted in duplicate at least ninety (90) days prior to the desired effective date. Self-insurance effective dates shall be determined by the Department with consideration given to the date selected by the applicant and shall always be on the first of the month. However, on no occasion shall the effective date be more than six (6) months after the approval date.

(3) The following information shall be submitted in duplicate with the application:

(a) The most recent three (3) years of Financial Statements that conform to the requirements of Rule 69L-5.228, F.A.C.

(b) If the date of the latest Financial Statements is over six (6) months old at the time of application, interim financial statements, up to and including, at least the latest fiscal quarter must be included and must be certified as to their accuracy by a corporate officer, general partner or sole proprietor.

(c) A completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(d) A list of all entities which the applicant intends to include under its self-insurance authorization in accordance with Rule 69L-5.202, F.A.C., that includes the following information:

1. Percentage of the applicant's ownership interest in each entity.

2. Federal Employer Identification Number (FEIN) of each entity.

3. Addresses of each entity and its operating locations within the State of Florida, and

4. Any fictitious names used by each entity within the State of Florida.

(e) If the applicant is seeking approval as an Affiliated Self-Insurer, Form DFS-F2-SI-11 (Indemnity Agreement) shall be executed by an officer of each affiliated company to be included under the self-insurance authorization.

(f) If the applicant is seeking approval using the Financial Statements of a parent company under Rule 69L-5.215, F.A.C., Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution) must be executed by a corporate officer of the parent company.

(g) A list of corporate officers, general partners, or sole proprietor as applicable to the corporate structure of the applicant including the resident city and state and the full business address of each.

(h) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant, at the time of application, and until approval of the application, will maintain workers' compensation insurance coverage in compliance with Section 440.38(1)(a), F.S.

(i) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant has not experienced a material adverse change in its financial condition since the date of the latest provided Financial Statements.

(j) A certificate of status from the applicant's state of domicile, along with a certificate of status from the State of Florida, issued within the last six (6) months.

(k) If the name of the entity has changed in the last three (3) years, documentation of the change as filed with the applicant's state of domicile.

(l) Experience modification promulgation worksheet for the current and two (2) preceding years as set forth in the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(m) A Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C.

(n) Proof of a Specific Excess Insurance Policy that conforms to Rule 69L-5.219, F.A.C.

(4) Upon receiving the application, the Association shall review the application. Any additional information needed to complete the application shall be requested within thirty (30) days.

(5) The application is not complete for purposes of Section 120.60, F.S., until all of the above requirements are met and the required documents are submitted to the Association. The Department shall not approve any application for self-insurance until the application is complete including the submission of the Security Deposit, proof of Specific Excess Insurance Policy and Certification of Servicing for Self-Insurers.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.227 Alien Corporations Additional Requirements.

(1) An Alien Corporation applying for self-insurance must submit the following documentation in duplicate at the time of application in addition to the application requirements outlined in Rule 69L-5.228, F.A.C.:

(a) An opinion from an attorney, whose qualifications are deemed satisfactory to the Department, that states that the Alien Corporation’s country of domicile has substantially similar laws with respect to the jurisdiction of the Department and the Courts of the State of Florida for the purpose of securing timely payment of all current and future workers’ compensation claims of the Alien Corporation.

(b) A stipulation that, notwithstanding other rights, all matters related to the self-insurance authorization and to workers’ compensation claims under Chapter 440, F.S., will be resolved in Florida Courts under Florida law.

(c) Designation of a general agent for service of process in Florida.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.228 Termination.

(1) A FSIGA Member who obtains replacement coverage and desires to terminate its self-insurance authorization shall advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof of replacement coverage in the form of a certificate of insurance effective as of the desired termination date. If a certificate of insurance effective as of the desired termination date cannot be provided, then:

(a) If the certificate of insurance indicates an effective date prior to the desired termination date, the certificate must be amended to show Florida being endorsed onto the policy effective as of the desired termination date or a copy of the endorsement itself must be attached.

(b) If the certificate of insurance indicates an effective date subsequent to the desired termination date, the self-insurance authorization shall be terminated as of the effective date of the certificate of insurance.

(c) If a FSIGA Member no longer has employees in the State of Florida and desires to terminate its self-insurance authorization, the FSIGA Member shall so advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof that it no longer has employees in the State of Florida.

(2) A FSIGA Member who voluntarily terminates its self-insurance authorization or whose self-insurance authorization is revoked, on or after January 1, 1991, shall continue to file all reports required by this rule or Chapter 440, F.S., with the Association upon termination or revocation, until such time as the FSIGA Member has demonstrated to the Association that there is no remaining value to the claims incurred while the FSIGA Member was self-insured.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

QUALIFIED SERVICING ENTITIES

69L-5.229 Application Process.

(1) Application to become a Qualified Servicing Entity shall be made on Form DFS-F2-SI-22 (Qualified Servicing Entity Application). Entities may apply to become a Qualified Servicing Entity in any or all of the following: claims-adjusting, loss control or safety engineering. The application shall be submitted to the Division at least ninety (90) days prior to the desired effective date. The application may be obtained at:

Department of Financial Services
Division of Workers’ Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(a) Entities that are not insurance companies licensed to write workers’ compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

1. A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application).

2. Proof that the management and ownership of the Qualified Servicing Entity is competent, trustworthy and possesses managerial experience that would make the proposed operation beneficial to the workers covered. In determining competency the Department shall consider the applicant’s claims-handling history. If the applicant’s history contains any of the following it shall be considered a demonstration of a lack of competency:

a. A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 or 440.20, F.S.,

b. A repeated pattern or practice of unreasonably controverting claims,

c. A repeated pattern or practice of failing to pay compensation orders as required by statute; or,

d. A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S.

(b) A completed Form DFS-F2-SI-27 (Biographical Statement and Affidavit) for each owner and member of management, along with a brief resume.

(c) Independent background investigation reports on the owners and management performed by a company approved by the National Association of Insurance Commissioners (NAIC).

(d) Proof that the applicant has a sufficient number of workers' compensation claims adjusters licensed by the State of Florida and loss control and safety engineering personnel employed on a full-time basis to meet the needs of all self-insurers with which it intends to contract. The following information shall be submitted for each employee:

1. A copy of their Florida Adjusters License, for the adjusters.

2. A copy of a current resume for loss control and safety engineering personnel.

(e) Proof of a physical location within the State of Florida separate from the client's location. If the Qualified Servicing Entity is a subsidiary of the self-insurer that it services, then the physical location may be the same as that of the self-insurer.

(f) Proof that they have within the State of Florida, an insurance professional qualified in the field of workers' compensation and authorized to act in all matters concerning the company's claims-handling.

(g) A notarized statement that the Qualified Servicing Entity utilizes only authorized rehabilitation services pursuant to Section 440.49(7), F.S.,

(h) Two (2) letters of recommendation from prior or current customers,

(i) A statement detailing the record handling and maintenance practices, and,

(j) A copy of the standards and procedures used to develop safety programs for their clients if applicable.

(2) Entities that are insurance companies licensed to write workers' compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

(a) A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application), and

(b) Proof of their certificate of authority.

(3) The entity submitting an application must have no outstanding penalties or fines owed.

(4) The entity submitting an application must be approved by the Department before engaging in business in Florida as a Qualified Servicing Entity.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.230 Contracting with a Qualified Servicing Entity.

(1) Each Qualified Servicing Entity shall file Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) within thirty (30) days of entering into a contract for servicing.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Drive, 2nd Floor
Tallahassee, FL 32308

(2) Each contract entered into by a Qualified Servicing Entity shall be open for inspection by the Division.

(3) Upon termination of a contract for servicing, the Qualified Servicing Entity agrees it shall continue to provide claims adjusting services on all claims incurred during the contract period for ninety (90) days if requested to do so by the self-insurer. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the parties in the contract.

(4) If a self-insurer fails to adequately fund claims or becomes insolvent, the Qualified Servicing Entity shall immediately notify the Department or Association as appropriate. The Qualified Servicing Entity shall provide claims adjusting services for up to ninety (90) days or until relieved of this responsibility by the Division or the Association. The Qualified Servicing Entity shall not be required to pay claims or otherwise incur liabilities for unpaid claims due to the self-insurer's insolvency or failure to adequately fund claims if the Department or the Association is promptly notified. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the self-insurer in the contract.

(5) When claims files and claims servicing responsibilities are transferred to a new Qualified Servicing Entity, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity of the self-insurer to establish accurate claims, reserving, and

accounting data. Form DFS-F2-DWC-49 (Aggregate Claims Administration Change Report) shall be submitted to the Division at the time of this transfer of duties.

(6) Files containing the records of the self-insurer's claims are the property of the self-insurer. Upon termination of the contract, the files shall be transferred to the new Qualified Servicing Entity or to the self-insurer along with the responsibility for handling them, and

(a) All files shall be transferred within thirty (30) days upon termination of the contract.

(b) Qualified Servicing Entities shall maintain in Florida, copies of all records relating to the self-insurer's claims that they service. The copies shall be sufficient in type and quantity to verify the accuracy and completeness of all reports and documents submitted to the Division.

(7) The Division shall be notified within thirty (30) days of any change in the location of any records.

(8) Records shall be open for inspection by representatives of the Division or Association during regular business hours. All records shall be retained for five (5) years.

(9) Qualified Servicing Entities may be audited by the Division without prior notice. If the Audit finds any of the following it shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(a) A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 and 440.20, F.S.,

(b) A repeated pattern or practice of unreasonably controverting claims,

(c) A repeated pattern or practice of failing to pay compensation orders as required by statute, or

(d) A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S.

(10) Failure to comply with Chapter 69L-24, F.A.C., shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(11) Each Qualified Servicing Entity shall file with the Division no later than March 1 of each year, Form DFS-F2-SI-23 (Qualified Servicing Entity Annual Report Form). A copy of Form DFS-F2-SI-23 is available at the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(12) A finding by the Department of repeated questionable claims handling techniques, or of repeated questionable patterns of claims, or of repeated unreasonably controverting claims, or of a repeated practice of failing to pay compensation orders as required by statute, or of a repeated practice of arbitrarily or unreasonably disallowing or reducing payments

to healthcare providers pursuant to Section 440.13(7)(f), F.S., shall be considered good cause for the revocation of the Qualified Servicing Entity's authorization.

(13) Failure to comply with these rules or orders within the time prescribed shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

FORMS AND INSTRUCTIONS

69L-5.231 Forms and Instructions.

The forms set forth in paragraphs (1) through (18) of this subsection, as well as the accompanying instructions to the forms, are hereby incorporated into Chapter 69L-5, F.A.C., by reference. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit/Self-Insurance Section, 200 East Gaines Street, Tallahassee, Florida 32399-4224.

(1) Form DFS-F2-SI-1, Application for Self-Insurance (eff. _____).

(2) Form DFS-F2-SI-1G, Application for Governmental Self-Insurance (eff. _____).

(3) Form DFS-F2-SI-1GEP, Application for Governmental Self-Insurance Estimated Payroll (eff. _____).

(4) Form DFS-F2-SI-4F, Self-Insurer's Surety Bond for FSIGA Member (eff. _____).

(5) Form DFS-F2-SI-4P, Self-Insurer's Surety Bond for Public Utilities (eff. _____).

(6) Form DFS-F2-SI-5, Self-Insurer Payroll Report (eff. _____).

(7) Form DFS-F2-SI-6, Self-Insurer's Irrevocable Letter of Credit (eff. _____).

(8) Form DFS-F2-SI-10, Parental Guaranty and Corporate Resolution (eff. _____).

(9) Form DFS-F2-SI-11, Indemnity Agreement (eff. _____).

(10) Form DFS-F2-SI-17, Unit Statistical Report and accompanying instructions (eff. _____).

(11) Form DFS-F2-SI-19, Certification of Servicing for Self-Insurers (eff. _____).

(12) Form DFS-F2-SI-20, Report of Outstanding Workers' Compensation Liabilities (eff. _____).

(13) Form DFS-F2-SI-22, Qualified Servicing Entity Application (eff. _____).

(14) Form DFS-F2-SI-23, Qualified Servicing Entity Annual Report Form (eff. _____).

(15) Form DFS-F2-SI-27, Biographical Statement and Affidavit (eff. _____).

(16) Form DFS-F2-SI-206, Certificate of Self-Insurance (eff. _____).

(17) NCCI Form 09-1, Application for Drug-Free Workplace Premium Credit (eff. _____).

(18) NCCI Form 09-3, Certification of Employer Workplace Safety Program Premium Credit (eff. _____).

(19) NCCI Form ERM-6, Workers' Compensation Experience Rating for Non-Affiliate Data (eff. _____).

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to replace the Annual Food Permit Application, DACS-14306, (Rev. 06/03), with the Annual Tomato Packer/Repacker Permit Application, DACS-07151, (Rev. 08/08), and to update the references to the best practices documents to their latest revisions. The effect of the proposed rule amendments will update the permitting requirements for tomato packers and repackers and the references to the latest revisions of the incorporated best practices documents.

SUMMARY: Rule 5G-6.007 – Requires that all tomato packers and repackers apply for an annual permit to operate; establishes a \$100 fee for the annual permit; and requires that all fees and fines collected from inspections for tomato packers and repackers be deposited into the general inspection trust fund.

Rule 5G-6.009 – Incorporates by reference the Tomato Best Practices Manual and the Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 500.09(1)(b), (3), (4), 500.12(1)(b), (f), 570.07(6), 570.07(23) FS.

LAW IMPLEMENTED: 500.03(1)(n), 500.09(1)(b), (4), 500.12(1)(a), (b), (f), 570.48(2)(e), 570.481(1)(a), (b) 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: Ms. Shannon Shepp, Director, Division of Fruit and Vegetables, 500 3rd St. N. W., Winter Haven, FL 33881. 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: Ms. Shannon Shepp, Director, Division of Fruit and Vegetables, 500 3rd St. N. W., Winter Haven, FL 33881

THE FULL TEXT OF THE PROPOSED RULES IS:

5G-6.007 Annual Food Permit Requirements of Tomato Packers and Repackers.

(1) An annual food permit is required for all packers and repackers of tomatoes in Florida. A permit number will be assigned by the Department following receipt of the Annual Tomato Packer/Repacker Permit Application, DACS-07151 (Rev. 08/08) ~~Annual Food Permit Application, DACS-14306, (Rev. 06/03)~~, herein incorporated by reference. ~~A~~ A copy of the permit application ~~which~~ can be obtained by contacting ~~from~~ the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables, P. O. Box 1072, Winter Haven, Florida 32881-3403 or on the internet at <http://www.doacs.state.fl.us/onestop/forms/07151.pdf>.

(2) The annual permit fee shall be \$100.00 per applicant and must accompany the Annual Tomato Packer/Repacker Food Permit Application. No establishment shall be issued a food permit until all applicable fees are received by the Department.

(3) No change.

Rulemaking Specific Authority 500.09(3), 500.12(1)(b), (f), 570.07(6), 570.07(23) FS. Law Implemented 500.03(1)(n), 500.12(1)(a), (b), 570.48(2)(e), 570.481(1)(a), (b) FS. History—New 4-16-08, Amended _____.

5G-6.009 Tomato Best Practices Manual.

(1) The Tomato Best Practices Manual (DACS-P-01580, Rev.10/08) ~~(November 2007)~~ is hereby incorporated by reference ~~in this rule section~~ and contains the specifications of the T-GAP and the T-BMP. Copies of the manual may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Division of Fruits and Vegetables, P. O. Box 1072, Winter Haven, Florida 33881-3403, (863)291-5820 or obtained electronically through the following website: <http://www.doacs.state.fl.us/fruits/>.