

(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/>.

(2) ~~The following document has been adopted by reference into the Tomato Best Practices Manual, (November 2007) and is also incorporated by reference into this rule: The Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain, 2nd Edition (July 2008). Edition 1.0 is hereby adopted and incorporated by reference. The Guidelines document was developed by the North American Tomato Trade Working Group composed of the United States, Canada and Mexico and is recognized in the Tomato Best Practices Manual as guidance for good agricultural practices. A copy may be obtained electronically through the following website: http://www.floridatomatoes.org/Tomato_Guidelines_July08_FINAL.pdf <http://research.ifas.ufl.edu/administration/tomatsup.pdf>.~~

~~Rulemaking Specific Authority 500.09(1)(b), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 487-041, 500.09(1)(b), (4), 500.12(1)(f) FS. History—New 4-16-08, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Shannon Shepp, Director, Division of Fruit and Vegetables
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 09/26/2008

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-72.090
 RULE TITLE: Product Approval by the Commission

PURPOSE AND EFFECT: To address the availability and conditions of self certification of compliance with an updated version of the Florida Building Code when documentation supporting a product approval to a preceding edition of the Code specifically refers to that earlier edition.

SUMMARY: The Commission previously provided a means by which a manufacturer could self-affirm compliance with a new edition of the building code for purposes of renewing an approval by the Commission in the event that there were no changes from the previous edition that impacted the substance of the approval. In many circumstances, however, the evaluation submitted in support of the initial approval generally referred to the preceding code edition rather than a particular provision or standard. The rule is amended to insure that there is adequate review of the information to assure accuracy of the affirmation and to address the potential for violation of law pertaining to licensure of those performing engineering services in the State.

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: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.942(1), (2) FS.

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

DATE AND TIME: February 17, 2009, 10:00 a.m. – 1:00 p.m.
 PLACE: Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.090 Product Approval by the Commission.

(1)(a) through (d) No change.

(e) When a new edition of the Code does not require a material or substantive change for an approved product, the manufacturer of the approved product shall affirm that his or her approved product meets the new edition of the Code. As part of application for self-affirmation, if the evaluation report refers to the previous edition of the Code, the manufacturer of the approved product shall submit a statement from the original evaluation entity necessary to certify that the product complies with the subsequent code version via an attachment uploaded and submitted through the BCIS. Self-affirmation is subject to review and verification by the Program Administrator.

(f) through (g) No change.

(2) through (3) No change.

Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.180
 RULE TITLE: Equivalence of Standards

PURPOSE AND EFFECT: To review standards for equivalence to those referenced in the Florida Building Code and, if appropriate, authorize the use of analysis performed in accordance with the alternative standards for Florida Product Approval.

SUMMARY: Statute permits the Commission to determine the equivalency of standards not specifically adopted within the Building Code for purposes of state product approval. This practice allows avoidance of unnecessary expense and delay imposed by testing to a new edition of a standard despite the fact that the existing data indicates that the product meets or exceeds the requirements thereof. The rule is amended to recognize the equivalency of the standards identified.

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: 553.77(1)(i), 553.842(1), (16) FS.

LAW IMPLEMENTED: 553.842(1), (2), (16) FS.

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

DATE AND TIME: February 17, 2009, 10:00 a.m. – 1:00 p.m.
 PLACE: Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.180 Equivalence of Standards.

(1) through (2) No change.

(3) Standard which meet or exceeds standards referenced by 2007 edition of the Code and recognized as equivalent for determining Code Compliance are:

(a) ANSI/DASMA108-02 Standard Method for Testing Sectional Garage Doors and Rolling Doors: Determination of Structural Performance under Uniform Static Air Pressure Difference equivalent to ANSI/DASMA 108-05;

(b) TPI 1-02 National Design Standards for Metal-Plate-Connected Wood Truss Construction equivalent to TPI 1-07; and

(c) ASTM E 1300-02 Practice for Determining Load Resistance of Glass in Buildings equivalent to ASTM E 1300-04.

~~(4)(3)~~ Equivalence of product standards for specific product application. Standards which meet or exceed standards referenced by the Code and certified as equivalent for determining code compliance by one of the following entities shall be considered as equivalent by the Commission:

(a) An approved certification agency;

(b) An approved test lab;

(c) An approved evaluation entity;

(d) Florida licensed professional engineer or architect; or

(e) A nationally recognized standard writing organization.

~~(5)(4)~~ Equivalence of accreditation standards. Where approved evaluation entities and accreditation bodies accredit testing laboratories, certification agencies and quality assurance agencies to standards other than the referenced ISO standards in Rule 9B-72.100, F.A.C., the accrediting body shall certify to the Commission that its standard is equivalent to the ISO standard. Such certification shall contain:

(a) A sworn statement by the officer of the accrediting body; and

(b) A comparison of the accrediting body's standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent.

~~(6)(5)~~ Organizations:

(a) ANSI – American National Standards Institute;

(b) AAMA – American Architectural Manufacturers Association;

(c) ASTM – American Society of Testing and Materials;

(d) DASMA – Door Access Systems Manufacturers Association; and

(e) NWWDA – National Wood Window and Door Association.

Specific Authority 553.842(1), (16) FS. Law Implemented 553.842(2), (16) FS. History–New 5-5-02, Amended 3-9-04, 11-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

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.”

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.002
RULE TITLE: Application and Scope

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP.

SUMMARY: This rule is amended to delete language which states that Parts II and V of Chapter 25-4, Florida Administrative Code apply to residential service only. This language is outdated and does not correctly reflect that only certain rules apply to residential service only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies’ administrative costs would likely decrease.

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: 350.127(2) FS.
LAW IMPLEMENTED: 364.01, 364.335, 364.337, 364.3375, 364.3376 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards that will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the company utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. ~~The rules contained in Part II and Part V apply only to residential service.~~ The rules contained in Part X of Chapter 25-24, F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV of Chapter 25-24, F.A.C., apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375, 364.3376 FS. History–Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.0185
 RULE TITLE: Periodic Reports

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rules. Form PSC/CMP 28 (4/05) is revised consistent with the proposed rule amendments. Docket No. 080641-TP.

SUMMARY: This rule is amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 (4/05) apply only to residential service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.17, 364.183(1) 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Service, Safety and Consumer Assistance ~~Competitive Markets and Enforcement~~ the information required by Commission Form PSC/SSCCMP 28 (~~xx/xx4/05~~), which is incorporated into this rule by reference. Form PSC/SSCCMP 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Service, Safety and Consumer Assistance ~~Competitive Markets and Enforcement~~.

(1) The information required by schedules 2, 3, 8, 11, and 15 ~~and 16~~ of Form PSC/SSCCMP 28 shall be filed ~~reported~~ on a quarterly basis by the large LECs and semiannually by the small LECs ~~and shall be filed~~ on or before the end of the month following the reporting period.

(2) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to residential service only. ~~The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS. History–New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.023	Report of Interruptions
25-4.067	Extension of Facilities – Contributions in Aid of Construction
25-4.074	Intercept Service
25-4.107	Information to Residential Customers; Installment Plan
25-4.108	Initiation of Service

PURPOSE AND EFFECT: Rules 25-4.023, 25-4.074, and 25-4.107, F.A.C., are amended to clarify, simplify, and streamline the rules. Rules 25-4.067 and 25-4.108, F.A.C., are repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

SUMMARY: Rule 25-4.023, F.A.C., is amended to require that the Commission be informed daily during times of named tropical storm systems, including the number of subscribers affected. Rule 25-4.074, F.A.C., is amended to streamline and clarify intercept service requirements. Rule 25-4.107, F.A.C., is amended to apply to residential service only, and to delete provisions which are unnecessary or duplicative of statute. Rule 25-4.067, F.A.C., is repealed as unnecessary. Rule 25-4.108, F.A.C., is repealed because a portion of the rule is unnecessary and duplicative of statute, and because the service connection charge installment plan requirements are being moved to Rule 25-4.107, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having more simple, streamlined, and clarified rules, and companies' administrative costs would likely decrease.

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: 350.127, 364.01, 364.10, 364.14(2) FS.

LAW IMPLEMENTED: 350.127, 364.01, 364.025, 364.0252, 364.03, 364.04, 364.051, 364.07, 364.08, 364.15, 364.17, 364.183 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.023 Report of Interruptions.

(4) The Commission shall be informed of any major interruptions to service which are the result of a tropical system named by the National Hurricane Center that affect 1,000 or more subscribers for a period of 30 minutes or more as soon as it comes to the attention of the utility. On a daily basis, the Company shall provide the time, the location, the number of subscribers affected, and the estimated expected duration of the outage and when the interruption is restored.

~~(2) In addition, a copy of all Florida service interruption reports made to the Federal Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title 47, Code of Federal Regulations; Notification of Common Carriers of Service Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's Division of Competitive Markets and Enforcement, Bureau of Service Quality.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05, _____.

25-4.067 Extension of Facilities – Contributions in Aid of Construction.

Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96, Repealed _____.

25-4.074 Intercept Service.

~~(1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers (with the exception of the 30 day period immediately following an inter-office transfer with directory) and for vacant or non-working numbers.~~

~~(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept (preferably operator intercept).~~

~~(3) All private branch exchanges and In-Dial Paging Systems, whether provided by the company or customer and which are equipped for direct in dialing and installed after the effective date of these rules, shall meet the service requirements outlined herein prior to the assignment of a number block by the telephone company.~~

~~(1)(4) With the exception of Nnumbers that are changed coincident with the issuance of a new directory; are not subject to the requirements of this rule. intercept service shall be provided by each telephone company in accordance with the following:~~

~~(2)(a) Intercept service shall be provided for non-working, non assigned, and changed numbers until assigned, re-assigned, or no longer listed in the directory.~~

~~(3) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept.~~

~~(4) Intercept service shall be provided for calls to invalid numbers.~~

~~(5)(b) Any 7 digit number (or other number serving a public safety or other emergency agency) when replaced by the universal emergency number "911" shall be intercepted by either a telecommunications company assistance or a public safety agency operator or special recorded announcement for at least one year or until the next directory issue. Also, Intercept service or alternative routing to a default number shall be provided for the universal emergency telephone number "911" shall be provided in central offices where the number is inoperable. The intercept service may be automated with a message indicating the "911" emergency number is inoperable in that area and to consult the directory for the appropriate emergency number or if a directory is not available to dial operator for assistance.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History-New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96, _____.

25-4.107 Information to Residential Customers; Installment Plan.

~~(1) At the time of initial contact, Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communications needs. At the time of initial contact, each local exchange telecommunications company shall advise the person applying for or inquiring about residential or single line business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. Each company shall inform all persons applying for residential service of the availability of the company's installment plan for the payment of service connection charges. Each company shall permit residential customers to pay service connection charges in equal monthly installments over a period of at least 3 months. A company may charge a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in installments. The information will be provided at the time of initial contact and shall include, but not be limited to, information on rate amounts and installment time periods and procedures.~~

(2) Upon customer request, the person shall also be given an 800 number to call to receive information on the "No Sales Solicitation" list offered through the Department of Agriculture and Consumer Services, Division of Consumer Services.

~~(3) In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange. Local exchange telecommunications companies shall submit copies of the information provided to customer service representatives to the Division of Competitive Markets and Enforcement for prior approval.~~

~~(2) At the earliest time practicable, the company shall provide to that customer the billing cycle and approximate date he may expect to receive his monthly billing.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03, 364.04, 364.051, 364.15, 350.127 FS. History--New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-30-91,_____.

25-4.108 Initiation of Service.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04, 364.051, 364.08, 364.15 FS. History--New 12-1-68, Amended 10-30-91, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.046
RULE TITLE: Incremental Cost Data Submitted by Local Exchange Companies

PURPOSE AND EFFECT: Rule 25-4.046, F.A.C., is repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

SUMMARY: Rule 25-4.046, F.A.C., is repealed because it is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeal benefits the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.3381 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.

Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History--New 5-24-95, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540
Shumard Oak Blvd., Tallahassee, FL 32399-0850,
(850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.066 RULE TITLE: Availability of Residential Service

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP.

SUMMARY: This rule is amended to clarify that the rule applies to residential service only. This rule is amended to streamline installation requirements, including a provision that the rule not apply if an applicant requests broadband and/or video service at the same time as residential phone service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer time for installation of new service.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.066 Availability of Residential Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for residential basic local telecommunications service within its certificated area in accordance with its filed tariffs ~~or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.~~

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service ~~in any calendar month shall normally be satisfied installed in each exchange of at least 50,00 lines and quarterly in exchanges of less than 50,000 lines~~ within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or when broadband or video services are requested in addition to the telecommunications service where special equipment or services are involved.

(3) No change.

(4) ~~When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.~~

(5) ~~Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30-day maximum interval and, further, shall have as its objective the capability of furnishing service within each of its exchanges to applicants within 60 days after date of application; except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.~~

(6) ~~Whenever, for any reason, the service installation cannot be made at the time requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor.~~

(7) ~~Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged~~

over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.

~~(5)(8)~~ Each company shall report primary residential installation performance pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.070
RULE TITLE: Customer Trouble Reports for Residential Service

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP.

SUMMARY: This rule is amended to apply to residential telephone service only, delete unnecessary provisions, define service standards to require at least 90 percent of reports be cleared within required time periods, and delete the repeat trouble report requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to potentially longer time for repairs to be made. 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: 350.127(2) FS.
LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.070 Customer Trouble Reports for Residential Service.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect residential customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.

(a) through (b) No change.

~~(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.~~

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service standards objectives, but not refunds for service interruptions ~~OOS conditions~~.

(b) No change.

(3) Service Standards Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure ~~insure~~ at least 90 ~~95~~ percent shall be cleared within 24 hours of the report ~~in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000~~

lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to ensure ~~insure~~ at least 90 ~~95~~ percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

~~(4)(e)~~ If the customer requests that the service be restored on a particular day beyond the service standards objectives outlined in subsection (3) paragraphs (a) and (b) above, the trouble report shall be counted as having met the service standards objective if the requested date is met.

~~(5)(4)~~ No change.

~~(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.~~

(6) The service standards objectives of this rule shall not apply to subsequent customer reports; or (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

~~(7) Reporting Criteria: Each company shall report pursuant to periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(8) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.071
 RULE TITLE: Adequacy of Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP.

SUMMARY: This rule is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.071 Adequacy of Service.

~~(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter-office, extended area service) shall not encounter an all-trunk busy condition.~~

~~(1)(2) Telephone calls to valid numbers shall should~~ encounter a ring-back tone, line busy signal, or non-working number intercept facility ~~(operator or recording)~~ after completion of dialing. ~~The call completion standards established for such calls by category of call is as follows:~~

- (a) Intra-office Calls—95 percent,
- (b) Inter-office Calls—95 percent,
- (c) Extended Area Calls—95 percent, and
- (d) Intra-LATA DDD Calls—95 percent.

~~(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.~~

~~(4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.~~

~~(2)(5) No change.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.073
RULE TITLE: Answering Time for Residential Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP.

SUMMARY: The rule is amended to make it clear that the rule applies to residential service only, to change company answering time service standards, and to delete as unnecessary the provision concerning answering time studies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer answering times with the ILEC resulting in more abandoned calls.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.386, 365.171 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.073 Answering Time for Residential Service.

(1) Each telephone ~~company utility~~ shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service ~~standards criteria~~ under normal operating conditions:

(a) At least 90 percent of all calls directed ~~to repair services and 80 percent of all calls~~ to business ~~and repair~~ offices for residential service shall be answered within ~~90 30~~ seconds after the last digit is dialed when no menu driven system is utilized.

(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within ~~30 45~~ seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first ~~6 30~~ seconds of the message.

(c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do not interact with the system for twenty seconds~~, the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within ~~90 55~~ seconds of being transferred to the attendant.

(d) No change.

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.~~

~~(2)(3) No change.~~

~~(3)(4)~~ Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time as ~~outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.083 RULE TITLE: Preferred Carrier Freeze

PURPOSE AND EFFECT: Rule 25-4.083, F.A.C., is amended to clarify, simplify, and streamline the rule. Docket No. 080641-TP.

SUMMARY: Rule 25-4.083, F.A.C., is amended to require local providers to meet the requirements of the Federal Preferred Carrier Freeze rule, and duplicative provisions of the rule are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127, 364.01, 364.603 FS.

LAW IMPLEMENTED: 364.01, 364.603 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.083 Preferred Carrier Freeze.

(1) A local provider shall make available a PC-Freeze upon a subscriber's request.

~~(2)(1) A PC-Freeze shall not be imposed or removed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.~~

~~(3)(2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.~~

(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is incorporated into this rule by reference. All notification material regarding PC Freezes must include:

~~(a) An explanation of what a PC Freeze is and what services are subject to a freeze;~~

~~(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and~~

~~(c) An explanation that there are no charges for implementing or removing a PC Freeze.~~

~~(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of a PC Freeze.~~

~~(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:~~

~~(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7);~~

~~(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or~~

~~(c) An independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.~~

~~(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed in a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:~~

~~(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;~~

~~(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.;~~

~~(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and~~

~~(d) That there will be no charge to the subscriber for a PC Freeze.~~

~~(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:~~

~~(a) Acceptance of a subscriber's written or electronically signed authorization; and~~

~~(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate~~

~~verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.~~

~~(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the provider for a period of one year.~~

~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services when serving the same end user.~~

~~(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.~~

~~(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.~~

Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—New 9-9-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.:
25-4.109

RULE TITLE:

Residential Customer Deposits

PURPOSE AND EFFECT: This rule is amended in order to streamline, clarify and simplify the rule. Docket No. 080641-TP.

SUMMARY: The amendments streamline and modify provisions relating to customer deposits, including amending the rule so that it is applicable to residential customers only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.07, 364.19 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.109 Residential Customer Deposits.

(1) through (2) No change.

(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. ~~When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.~~

(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits ~~and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits~~, providing the customer has not, in the preceding 12 months:

(a) through (d) No change.

(5) Interest on deposit.

(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. ~~The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.~~

(b) through (8) No change.

(9) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94,

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.110
 RULE TITLE: Customer Billing for Local Exchange Telecommunications Companies

PURPOSE AND EFFECT: The amendments streamline, clarify, and simplify the rule requirements. Docket No. 080641-TP.

SUMMARY: The rule is amended such that local providers would be required to meet the requirements of the FCC Truth-in-Billing Requirements for Common Carriers, and rule provisions substantially duplicative of these requirements would be deleted. The rule is amended to specify that customers must be notified that a PC-Freeze is available "at no charge."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127, 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

~~(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.~~

~~(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.~~

~~(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.~~

~~(c) Each charge shall be described under the applicable originating party heading.~~

~~(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.~~

~~2. The billing party shall either:~~

~~a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage-based tax, fee, and surcharge, or~~

~~b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.~~

~~(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage-based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.~~

~~(2)(e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.~~

~~(3) through (b) No change.~~

~~(4) The annual itemized bill shall be accompanied by a bill insert or bill message stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill insert or bill message stuffer shall be submitted to the Commission's Division of Regulatory Compliance Competitive Markets and Enforcement for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:~~

~~(a) through (b) No change.~~

~~(c) Touch tone service charges;~~

~~(c)(d) Charges for each custom calling features, or package separated by feature;~~

~~(e) through (h) renumbered (d) through (g) No change.~~

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

~~(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;~~

~~(d) through (i) No change.~~

~~(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and~~

the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned;
2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or
3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert or bill message advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert or bill message advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.

(11) Local Communications Services Tax.

~~(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.~~

~~(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.~~

~~(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.~~

~~(12) State Communications Services Tax.~~

~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.~~

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.~~

~~(11)(13) No change.~~

~~(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:~~

- ~~(a) The name of the certificated company;~~
- ~~(b) Type of service provided, i.e., local, local toll, or toll; and~~
- ~~(c) A toll free customer service number.~~

~~(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.~~

~~(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:~~

- ~~1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;~~
- ~~2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;~~
- ~~3. The local or toll free number the end user/customer can call to dispute charges;~~
- ~~4. The name of the IXC providing 900 service; and~~

5. The Pay Per Call service (900 or 976) program name:

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXC's who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;

7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and

the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(12)(e) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

5. The end user/customer terminated the call during the preamble described in subparagraph 25 4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXC's billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXC's billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

~~(13)~~(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. Notification shall conform to the requirements of Rule 25-4.083, F.A.C.

~~(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

~~(14)~~(18) No change.

(a) through 4. No change.

~~(15)~~(19)(a) No change.

1. through (c) No change.

(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.

~~(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.~~

Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History--New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

**DEPARTMENT OF MANAGEMENT SERVICES
Communications and Information Technology Services**

RULE NO.: 60FF-5.005
RULE TITLE: Emergency Grants

PURPOSE AND EFFECT: The purpose and effect is to establish rules and requirements for a new emergency grant program. The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

SUMMARY: Rules and requirements for a new emergency grant program are established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The E911 Board has determined that the proposed rule will not have an impact on small business. 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: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.005 Emergency Grants.

The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

(1) Eligibility: Any Board of County Commissioners in the State of Florida.

(2) General conditions:

(a) Each County applying for Emergency grant funds shall complete and submit W Form 5A, "Application for the E911 Emergency Grant Program," effective 7/1/2008, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 160
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application.

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Equipment procurement shall be based on the county's purchasing requirement and the applicable State purchasing requirements specified in Chapter 287, F.S., and the requirements of Section 112.061, F.S.

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole source funding should be provided with this application. Sole source funding will be considered if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with the application.

(e) Priorities for awarding of grants will be determined by the E911 Board.

(f) The E911 Board may approve funding salary requests on an annual basis.

(g) No grant money will be awarded to be used for the purpose of paying call takers' salaries.

(h) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 5A as requested and indicated.

(i) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Emergency Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board.

(j) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(k) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(l) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(m) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3) E911 Emergency Grant Program Schedule – Following the natural and man-made disasters or events and submission of the grant application, the E911 Board will hold an emergency meeting in accordance with Uniform Rules 28-102.003, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

	Schedule
Counties submit Application	Event
Board Members evaluate applications	Within 5 days
Board votes on applications to fund at regularly scheduled meeting	Within 5 days
Board sends notification of funding and issues check to counties approved for funding	Within 10 days
Implementation period	One year from receipt of award and funds.

Specific Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-15.007
 RULE TITLE: Developer, Defined

PURPOSE AND EFFECT: This rule amendment changes the definition of developer for filing purposes to conform the rule to Sections 718.502(1)(a), 718.503, and 718.504, Florida

Statutes. The change clarifies that offering condominium parcels for lease has to be for leases more than 5 years before a legal entity may be considered a developer.

SUMMARY: This rule amendment addresses the definition of developer for filing purposes.

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: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.502(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 16, 2009, 2:00 p.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. 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 IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.007 Developer, Defined.

(1) For purposes of filing under Sections 718.202, 718.502, 718.503, 718.504, and 718.505, Florida Statutes, and Rule 61B-23.003, Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(16), Florida Statutes, or these rules:

(a) A creating developer, which means any person who creates a condominium;

(b) A successor or subsequent developer, which means any person, other than the creating developer or concurrent developer, who offers condominium parcels for sale or lease for more than 5 years in the ordinary course of business; ~~and~~ ~~or~~

(c) A concurrent developer, which means any person who acts concurrently with a developer in offering to sell ~~selling~~ or lease for more than 5 years ~~leasing~~ condominium parcels in the

ordinary course of business. As used in this rule, person includes natural persons, corporations, partnerships, limited liability companies, and any other legal entities.

(2) through (3) No change.

(4) For purposes of filing with the division, as defined by subsection 61B-15.001(4), Florida Administrative Code, one is not offering condominium parcels for sale or lease for more than 5 years in the ordinary course of business where that person offers parcels in a condominium that consists of 7 or fewer residential units including all residential units planned in a phase condominium and all residential units planned within a multi-condominium. However, this shall not relieve the developer of the duty to file a notice of recording information and pay annual fees as required by Sections 718.104(2), 718.403(8), and 718.501(2)(a), Florida Statutes, and subsection 61B-17.001(3), Florida Administrative Code.

(5) No change.

Specific Authority 718.501 FS. Law Implemented 718.103(11), (12), (16), (23), 718.104(2), 718.106, 718.403(8), 718.502-.505 FS. History--New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95, 12-23-02, 3-7-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-30.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update disciplinary guidelines and fines.

SUMMARY: Disciplinary guidelines and fines will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Juanita Chastain, Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 455.2273(1), 474.206 FS.

LAW IMPLEMENTED: 455.2273, 455.2281, 474.213, 474.214 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

(a) Practicing veterinary medicine in this State unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, F.S.

(b) Using the name or title “veterinarian” when the person has not been licensed pursuant to Chapter 474, F.S.

(c) Presenting as one’s own license the license of another.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.213(1), F.S., which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine ~~from~~ to ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) and, upon eligibility for licensure, imposition of up to a one (1) year probationary period.

In the case of a non-licensed veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine ~~from~~ to ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) plus one (1) year’s probation if the subject should become licensed in the State of Florida.

In the case of a non-veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and impose an administrative fine ~~from~~ to ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) for each count.

In the case of an applicant, the usual action of the Board shall be to request that the Department issue a Cease and Desist Order, which shall remain in effect until licensure is granted, and an administrative fine of ~~a~~ one thousand dollars (\$1,000.00) and, upon issuance of a license, imposition of a one (1) year probationary period.

The usual action of the Board shall be to request that the Department issue a Cease and Desist Order, and an administrative fine of five thousand dollars (\$5,000.00) and, upon issuance of licensure, imposition of a one (1) year probationary period.

(d) Giving false or forged evidence to the Board, or a member thereof, for the purpose of obtaining a license.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee shall be to impose a penalty of a five thousand dollar (\$5,000.00) administrative fine and revocation of any license obtained based on false or forged evidence.

(e) Using or attempting to use a veterinarian's license which has been suspended or revoked.

In the case of an applicant, the usual action shall be denial of licensure and to request the Department issue a Cease and Desist Order. The usual action of the Board in the case of a licensee shall be to impose revocation if the subject's license has been suspended and an administrative fine of five thousand dollars (\$5,000.00).

(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.

(g) Knowingly concealing information relative to a violation of Chapter 474, F.S.

The usual action of the Board shall be to impose a penalty of six (6) months probation and a one thousand dollar (\$1,000.00) administrative fine.

(h) Obtaining or attempting to obtain a license by fraud.

Revocation or denial of licensure plus an administrative fine of five thousand dollars (\$5,000.00).

(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.

A fine of five thousand dollars (\$5,000.00) and revocation.

(j) Leading the public to believe that the the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars (\$2,000.00) and, upon eligibility for licensure, imposition of a one (1) year probationary period.

In the case of a non-licensed veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) plus one (1) year's probation if the subject should become licensed in the State of Florida.

In the case of a non-veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) for each count.

(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). The Board shall also require that a premise permit be obtained or request the Department to issue a Cease and Desist Order.

(2) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.214(1), F.S.,

it shall issue a Final Order imposing appropriate penalties which are set forth in Section 474.214(2), F.S., using the following disciplinary guidelines:

(a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board.

In the case of an applicant, the usual action of the Board shall be denial of licensure or permit. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty of revocation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.

(b) Having a license to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

The usual action of the Board will be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board.

(c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty ranging from an administrative fine from a two thousand dollars (\$2,000.00) up to five thousand dollars (\$5,000.00) administrative fine and suspension followed by probation up to revocation.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.

The usual action of the Board shall be to impose a penalty of a one (1) year suspension followed by probation for a period of one (1) year and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) per count or violation.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

In the case of violations, which are not resolved by the Board's rule concerning minor violations, the usual action of the Board shall be to impose a one thousand dollar (\$1,000.00) administrative fine.

(f) Violating a statute or administrative rule regulating practice under this chapter or Chapter 455, F.S., or a lawful disciplinary order or subpoena of the Board or the Department.

The usual action of the Board shall be to impose a penalty ranging from a reprimand up to two (2) years suspension followed by two (2) years of probation of one (1) year probation and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine. In the case of a subpoena or disciplinary order, the usual action shall be to impose a penalty ranging from suspension for a period of up to two (2) years followed by up to two (2) years probation suspension and a four thousand dollar (\$4,000.00) administrative fine up to revocation and a five thousand dollar (\$5,000.00) administrative fine.

(g) Practicing with a revoked, suspended, or inactive license.

The usual action of the Board shall be to impose a penalty consistent with subsection (1)(a) above. In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the Department and pay an administrative fine of five hundred dollars (\$500.00). If the delinquent veterinarian does not respond to the Department within the above mentioned thirty days, the Board shall request that the Department issue a Cease and Desist Order, which shall remain in effect until license renewal fees and an administrative fine of one thousand dollars (\$1,000.00) are paid.

(h) Being unable to practice veterinary medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition.

The usual action of the Board shall be to impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board. If the individual is an applicant, the usual action shall be to deny the application.

(i) Judicial determination of mental incompetency.

The usual action of the Board shall be to impose a penalty of suspension or denial of licensure until there is a legal restoration of the licensee's competency to be followed by probation under such terms and conditions as set by the Board.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, F.S., or the rules of the Board.

The usual action of the Board shall be to impose a penalty of an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) and administrative fine to be followed by probation for a period of up to one (1) year.

(k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

In construing this rule, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

(l) Performing or prescribing unnecessary or unauthorized treatment.

The usual action of the Board shall be to impose a penalty ranging from a reprimand to a one (1) year probationary period and an administrative fine from with a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine.

(m) Engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners.

The usual action of the Board shall be to impose a penalty of up to two (2) years a suspension followed by probation for a period of one (1) year and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.

- (n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public. The usual action of the Board shall be to impose a penalty of probation for a period of one (1) year and a two thousand dollar (\$2,000.00) administrative fine and revocation of the veterinarian's license to practice in the State of Florida if this violation is repeated.
- (o) Fraud, deceit, negligence, incompetency, or misconduct in the practice of veterinary medicine. The usual action of the Board shall be to impose a penalty ranging from probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine to revocation of the veterinarian's license to practice in the State of Florida.
- (p) Being convicted of a charge of cruelty to animals. The usual action of the Board shall be to impose a penalty ranging from up to two (2) years of suspension followed by up to two (2) years probation for a period of one (1) year and a four thousand dollar (\$4,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.
- (q) Permitting or allowing another to use a veterinarian's license for the purpose of treating or offering to treat sick, injured, or afflicted animals. The usual action of the Board shall be to impose a penalty of up to one (1) year a suspension followed by up to one (1) year probation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine followed by probation for a period of one (1) year.
- (r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances. The usual action of the Board shall be to impose a penalty of probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine.
- (s) Willfully making any misrepresentations in connection with the inspection of food for human consumption. The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one (1) year and a four thousand dollar (\$4,000.00) administrative fine.
- (t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transportin animals or issuing any false certificate relating to the sale of products of animal origin for human consumption. The usual action of the Board shall be to impose a penalty of ranging from a suspension for a period of up to one (1) year followed by probation for a period of up to one (1) year and a three thousand dollar (\$3,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.
- (u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological tests. The usual action of the Board shall be to impose a penalty of ranging from a suspension for a period of up to one (1) year followed by probation for a period of one (1) year and a three thousand dollar (\$3,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition of having a premise permit suspended or revoked pursuant to Section 474.215, F.S.

The usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by a period of probation for up to one (1) year and an administrative fine from ~~impose a penalty of a one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00) administrative fine and restriction against the premises being reopened until the requirements are met.~~

(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.

The usual action of the Board shall be to impose a penalty of a one thousand dollar (\$1,000.00) administrative fine and to require remedial education.
The Board shall also require that a premise permit be obtained or the Department shall be requested to issue a Cease and Desist Order.

(x) Refusing to permit the Department to inspect the business premises of the licensee during regular business hours.

The usual action of the Board shall be to impose a penalty of a two thousand dollar (\$2,000.00) administrative fine, unless circumstances legally justify such action by the veterinarian and/or request that the Department issue a Cease and Desist Order.

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, F.S., or controlled substances as defined in Chapter 893, F.S., for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:

For violations involving medicinal drugs or drugs defined in Chapter 465, F.S., the usual action of the Board shall be to impose a penalty ranging from a reprimand up to two (2) years of suspension followed by probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine. For violations involving controlled substances as defined in Ch. 893, F.S., the usual action of the Board shall be to impose a penalty ranging from up to two (2) years of suspension ~~or revocation~~ and a four thousand dollar (\$4,000.00) administrative fine to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept.
2. Be available to provide for follow up care and treatment in case of adverse reactions of failure of the regimen of therapy.
3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this Chapter. The documented patient/client/veterinarian relationship cited in Section 474.214, F.S., is herein defined as a veterinarian's record of a client's animal which documents that the veterinarian has seen the animal in a professional capacity within a period of 12 months or less.

- (z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, F.S., controlled substances as defined in Chapter 893, F.S., or any material, chemical, or substance used exclusively for animal treatment. For violations involving medicinal drugs or drugs defined in Chapter 465, F.S. the usual action of the Board shall be to impose a penalty of a suspension for a period of up to two (2) ~~one~~ years followed by two (2) ~~one~~ (1) years probation and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) ~~administrative fine~~. For violations involving controlled substances as defined in Chapter 893, F.S. the usual penalty will be revocation and an administrative fine up to five thousand dollars (\$5,000.00).
- (aa) Failing to report to the Department any person the licensee knows to be in violation of Chapter 474, F.S., or the rules of the Board or Department. The usual action of the Board shall be issuance of a reprimand and a fine of up to one thousand dollars (\$1,000.00) ~~five hundred dollars (\$500.00)~~.
- (bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 seq., the Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S. The usual action of the Board shall be to impose a penalty of probation for a period of up to two (2) ~~one~~ (1) years and an administrative fine from ~~of~~ two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00).
- (cc) Failing to provide adequate radiation safeguards. The usual action of the Board shall be issuance of a reprimand plus the violator must pay cost of investigation and provide proof of compliance with the rule.
- (dd) Failing to perform any statutory or legal obligation placed upon a licensee. The usual action of the Board shall be a penalty ranging from the issuance of a reprimand, and fine of one thousand dollars (\$1,000.00) up to revocation and fine of up to five thousand dollars (\$5,000.00).
- (ee) Failing to keep contemporaneously written medical records as required by rule of the Board. The usual action of the Board shall be issuance of a reprimand and up to one (1) year ~~plus six (6) months~~ probation, and a fine of up to two thousand dollars (\$2,000.00) ~~one thousand five hundred dollars (\$1,500.00) and investigative costs~~.
- (ff) Prescribing or dispensing legend drug as defined in Chapter 465, F.S., including any controlled substance, inappropriately or in excessive or inappropriate quantities. The usual action of the Board shall be to impose a penalty of an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) ~~administrative fine~~ and probation for a period of up to two (2) ~~one~~ (1) years.
- (gg) Practicing or offering to practice beyond the scope permitted by law. The usual action of the Board shall be issuance of a reprimand up to one (1) year ~~plus six (6) months~~ probation, and an administrative a fine from ~~of~~ one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00) ~~and investigative costs~~.
- (hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them. The usual action of the Board shall be to impose a penalty of an administrative fine from a one thousand five hundred dollars (\$1,500.00) to three thousand dollars (\$3,000.00) and ~~administrative fine plus six (6) months~~ probation for a period of up to one (1) year ~~and~~ investigative costs.

(ii) Presigning blank prescription forms.

The usual action of the Board shall be to impose a penalty ranging from suspension of the veterinarian's license for a period of up to one (1) year followed by probation for a period of up to one (1) year and, and an administrative fine of up to two thousand dollars (\$2,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00) and probation for one year plus investigative costs.

(jj) Failing to report to the Board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

The usual action of the Board shall be the issuance of a reprimand and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00).

(kk) Aiding or assisting another person in violating any provision of this chapter or any rule adopted pursuant thereto.

The usual action of the Board shall be a period of probation from one (1) to three (3) years and an administrative fine from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00).

(ll) Failing to respond within sixty (60) days after receipt of a request to provide satisfactory proof of having satisfactory proof of having participated in approved continuing education programs.

The usual action of the Board shall be suspension until the Board receives acceptable response to the request and plus an administrative fine from one thousand five hundred dollars (\$1,500.00) to five thousand dollars (\$5,000.00) (\$500.00) and investigative costs.

(mm) Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.

The usual action of the Board shall be an administrative fine from one thousand five hundred dollars (\$1,500.00) to five thousand dollars (\$5,000.00) and probation for a period of up to two (2) years.

(nn) Failing to report a change of address to the Board within sixty (60) days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00) five hundred dollars (\$500.00).

(oo) Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within sixty (60) days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00) five hundred dollars (\$500.00).

(pp) Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.

The usual action of the Board shall be an administrative fine of two one thousand dollars (\$2,000.00).

(3) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 455.227(1), F.S., it will issue a Final Order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) Misleading, deceptive, untrue, or fraudulent representations in the practice of veterinary medicine.

The usual action of the Board will be to impose a penalty ranging from suspension for up to one (1) year followed by one (1) year probation for a period of up to one (1) year and an administrative of up to a two thousand dollars (\$2,000.00) administrative fine to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(b) Intentionally violating any rule adopted by the Board or the Department.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand and an administrative fine of ~~from a~~ two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(c) Being convicted of a felony which relates to the practice of veterinary medicine.

The usual action of the Board will be revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(d) Being adjudicated mentally incompetent.

The usual action of the Board will be consistent with paragraph (2)(j) above.

(e) The license has been obtained by fraud or material misrepresentation of a material fact.

The usual action of the Board will be revocation of the license and an administrative fine of up to five ~~four~~ thousand dollars (\$5,000.00) (\$4,000.00).

(f) Use of a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department of Health and Rehabilitation.

The usual action of the Board will be an administrative fine of up to three ~~one~~ thousand dollars (\$3~~1~~,000.00).

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand up to suspension for a period of up to two (2) years followed by probation for a period of up to two (2) years and an administrative fine ~~from~~ ~~of~~ two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00).

(h) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

The usual action of the Board will be to impose a penalty ranging from suspension for a period of up to two (2) years followed by ~~one (1) year~~ probation for a period of up to two (2) years and ~~payment of~~ an administrative fine of up to three thousand dollars (\$3,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

(i) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

The usual action of the Board will be suspension for a period of up to two (2) years followed by probation for a period of up to two (2) years and an administrative fine ~~from~~ ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

(4) through (7) No change.

Specific Authority 455.2273(1), 474.206 FS. Law Implemented 455.2273, 455.2281, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, 7-20-03, 7-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-6.008
RULE TITLE: Audit of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify the duration of hours for the programs the provider offered.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify the duration of hours for the programs the provider offered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

SPECIFIC AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.008 Audit of Continuing Education Providers.

(1) through (2) No change.

(3) Each provider selected for audit is required to respond within 21 days and provide the Board with the original records maintained pursuant to subsection 64B4-6.004(3), F.A.C., for one each continuing education program the provider offered during that biennium, that was no less than three (3) and no more than sixteen (16) hours in duration. ~~If no programs were offered, the provider must provide a written statement to that effect in response to the audit request.~~

(4) through (8) No change.

Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History--New 10-2-94, Formerly 59P-6.008, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007

RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the revised application forms for licensure.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (1/09 08/08).

(2) ~~DH-MQA 1001, entitled "Staff Privilege Verification Form," (6/00).~~

(3) ~~DH-MQA 1002, entitled "Post Graduate Training Evaluation Form," (8/00).~~

(4) ~~DH-MQA 1003, entitled "Fifth Pathway Verification Form," (6/99).~~

~~(5) DH-MQA 1004, entitled "Application Materials for Allopathic Physicians to be Licensed by Examination Under Provisions of 458.3115," (6/99).~~

~~(6) DH-MQA 1005, entitled "FMLE Re Examination Application Only," (6/99).~~

~~(7) DH-MQA 1006, entitled "Board of Medicine Application Materials for Allopathic Physicians to be Licensed by Examination Under Provisions of Section 458.3124, F.S.," (6/99).~~

~~(2)(8) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (01/09 10/03).~~

~~(3)(9) DH-MQA 1009, entitled "Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need," (1/09 10/03).~~

(10) through (14) renumbered (4) through (8) No change.

~~(15) DH-MQA 1019, entitled "1501 Initial Licensure Form Medical Doctor," (6/99).~~

(16) through (17) renumbered (9) through (10) No change.

~~(11)(18) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration & Renewal of Intern/Resident/Fellow & House Physician," (01/09 10/03).~~

(19) through (20) renumbered (12) through (13) No change.

~~(14)(21) DH-MQA 1072, entitled "Board of Medicine Application Materials Medical Faculty Certificate For Allopathic Physicians," (01/09 10/03).~~

~~(15)(22) No change.~~

~~(16)(23) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (01/09 8/03).~~

(24) through (32) renumbered (17 through (25) No change.

Specific Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008 and January 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the various licensure applications in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application forms in the Board's application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

SPECIFIC AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department Executive Director. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference ~~Form DH-MQA 1000 entitled "Board of Medicine Medical Doctor Application for Licensure (revised 08/08), hereby adopted and incorporated by reference,~~ and can be obtained from the Board of Medicine's website at [tap://www.doh.state.fl.us/Mac/medical/me_applicant.html](http://www.doh.state.fl.us/Mac/medical/me_applicant.html). The application must be accompanied by the application fee.

(a) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (1/09);

(b) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (01/09);

(c) DH-MQA 1009, entitled "Board of Medicine Applications Materials For Temporary Certificate for Practice in an Area of Critical Need," (1/09);

(d) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration & Renewal of Intern/Resident/Fellow & House Physician." (01/09);

(e) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians." (01/09);

(f) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians." (01/09).

(2) Each applicant for licensure ~~by endorsement~~ shall submit one recent photograph of the applicant, ~~and each applicant for licensure by examination shall submit two recent photographs of the applicant.~~ The All photographs must have been taken within six weeks prior to filing the application and ~~all photographs~~ must be submitted at the time of filing the application for licensure. The ~~Such~~ photographs shall be on permanent paper not less than 2 inches by 2 inches. Informal snapshots and proofs will not be accepted.

(3) through (9) No change.

Specific Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History–New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008 and January 7, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002
RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the preceptor form.

SUMMARY: The rule amendment will modify the preceptor form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared. The Board determined that small businesses would not be affected by this rule.

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

SPECIFIC AUTHORITY: 456.013(1)(a), 468.1685(5), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in Administrator-in-Training (AIT) programs based on the completion of application form Preceptor Certification, DOH/NHA014 (Revised 10/2008 ~~9/2007~~), and incorporated herein by reference, and an oral review. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state, and there is no disciplinary action taken against the licensee. Form DOH/NHA014 (Revised 10/2008 ~~9/2007~~) can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

(2) through (9) No change.

Specific Authority 456.013(1)(a), 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History–New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 9-4-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97, 6-5-07, 10-2-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-6.005
RULE TITLE: Criteria for Continuing Education Programs

PURPOSE AND EFFECT: To update the rule to add continuing education programs that are acceptable for credit.

SUMMARY: The rule adds Massage Therapy and Acupuncture to the list of board pre-approved courses that are acceptable for continuing education credit as they pertain to the practice of midwifery.

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: 467.005, 467.012 FS.

LAW IMPLEMENTED: 456.013, 456.031, 467.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-6.005 Criteria for Continuing Education Programs.

(1) No change.

(2) The following programs which meet the requirements of subsection (1) of this rule are approved for renewal of license;

(a) through (i) No change.

(j) Courses that have been pre-approved by the Florida Board of Nursing, Florida Board of Medicine, Florida Board of Osteopathic Medicine, Florida Board of Pharmacy, Florida Board of Psychology, Florida Board of Massage Therapy; Florida Board of Acupuncture, the Dietetic and Nutrition Practice Council of Florida, and the Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling as it pertains to the practice of midwifery.

(k) through (m) No change.

(3) No change.

Specific Authority 467.005, 467.012 FS. Law Implemented 456.013, 456.031, 467.012 FS. History—New 1-26-94, Formerly 61E8-6.005, Amended 3-20-96, Formerly 59DD-6.005, Amended 9-10-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christy Robinson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:

64B24-7.004 Risk Assessment

PURPOSE AND EFFECT: To update the rule with regard to physician consultations for patients with higher risk scores.

SUMMARY: With regard to risk assessment, if a client with a risk score of 3 or higher previously had a physician consultation for the same risk factors and there has been no change, another physician consultation is not required.

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: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 467.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.004 Risk Assessment.

(1) For each patient, the licensed midwife shall assess risk status criteria for acceptance and continuation of care. The general health status and risk assessment shall be determined by the licensed midwife by obtaining a detailed medical history, performing a physical examination, and taking into account family circumstances along with social and psychological factors. The licensed midwife shall risk screen potential patients using the criteria in this section. If the risk factor score reaches 3 points the midwife shall consult with a physician who has obstetrical hospital privileges and if there is a joint determination that the patient can be expected to have a normal pregnancy, labor and delivery the midwife may provide services to the patient. When a client has a risk score of 3 or higher and has previously had a physician consultation for the identical risk factors in a prior pregnancy with no current changes in health or risk factors another consultation is not required.

(2) through (3) No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History—New 7-14-94, Formerly 61E8-7.004, 59DD-7.004, Amended 9-11-02, 2-2-06,_____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christy Robinson
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF MILITARY AFFAIRS

RULE NOS.: RULE TITLES:
70-2.001 Application for Educational Assistance Programs
70-2.002 Noncompliance with Educational Assistance Programs

PURPOSE AND EFFECT: Purpose and effect for both Rules 70-2.001 and 70.2.002, F.A.C., is to implement provisions of Section 250.10, F.S. relating to education assistance programs.
SUMMARY: In both Rules 70-2.001 and 70.2.002, F.A.C., provisions of Section 250.10, F.S. relating to education assistance programs are implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency determined the proposed rule will not have an impact on small business. 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: 250.10(7), (8) FS.

LAW IMPLEMENTED: 250.10(7), (8), (9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lieutenant Colonel Elizabeth C. Masters, (904)823-0131

THE FULL TEXT OF THE PROPOSED RULES IS:

70-2.001 Application for Educational Assistance Programs.

(1) To be eligible for the Educational Dollars for Duty program (EDD) or the State Tuition Exemption Program (STEP), collectively Education Assistance Programs, defined in Sections 250.10(7) and (8), Florida Statutes, a person must:

- (a) Be at least 17 years of age;
- (b) Be domiciled in the state of Florida;
- (c) Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received;

(d) Maintain continuous satisfactory participation in the Florida National Guard for any school term for which exemption benefits are received; and

(e) Not have a baccalaureate degree.

(2) A person can not participate in the STEP program for more than ten (10) years following the date of enrollment in the program. A person may not participate in the EDD program for more than five (5) years following the date of eligibility for the program.

(3) The EDD program is only available for members of the Florida National Guard who have enlisted after June 30, 1997.

(4) An applicant for an Educational Assistance Program must fill out Form FLNG Form 704 (effective April 17, 2008) incorporated herein by reference. The form may be obtained from the State Education Program Administrator, Florida Department of Military Affairs, DCSPER-STEP/EDD, P. O. Box 1008, St. Augustine, Florida 32085-1008; or from the applicant's military unit training clerk or NCO. Along with the Form FLNG Form 704 the applicant must submit:

(a) The course of study for the degree or certificate the member is seeking, and

(b) A list of courses the member is taking in the applicable term.

(5) Completed applications must be submitted to: State Education Program Administrator, Florida Department of Military Affairs, DCSPER-STEP/EDD, P. O. Box 1008, St. Augustine, Florida 32085-1008 at least 90 days prior to the beginning of the school term for which educational assistance is sought. A new application is required for each semester or enrollment period.

(6) The applicant's grades must be submitted after each term and the applicant must maintain the grade point average set forth in paragraph 70-2.002(1)(d), Florida Administrative Code.

Specific Authority 250.10(7), (8) FS. Law Implemented 250.10(7), (8) FS. History--New _____.

70-2.002 Noncompliance with Educational Assistance Programs.

(1) A member in the State Tuition Exemption Program (STEP) or Educational Dollars for Duty program (EDD) is in noncompliance with these programs, if:

(a) A member fails to maintain satisfactory participation in the Florida National Guard during the academic term where benefits are given, including failing to maintain weight control, failing physical examinations, or not satisfactorily performing military duties as determined by the Unit Commander;

(b) A member fails to serve in the Florida National Guard during the three (3) year period the member is required to serve after benefits are received;

(c) A member is terminated or placed on academic or scholastic probation while receiving benefits; or

(d) A member fails to maintain a minimum 2.0 grade point average.

(2) Benefits under the education assistance programs will not be paid for courses that a member drops prior to completion; or for courses that a member has repeated and benefits had been paid for the course the first time the member had taken it.

(3) If a member is in noncompliance pursuant to this rule, the member must reimburse the Department of Military Affairs for all tuition charges and student fees for which the member received payments within thirty (30) days of being notified by the Department that such fees are owed. A member in noncompliance can request in writing to the Department of Military Affairs, to make payments in installments. If approved, the time for repayment shall not exceed 36 months. If the member fails to repay the amount owed, the Department may submit the matter for collections.

Specific Authority 250.10(7), (8) FS. Law Implemented 250.10(7), (8), (9) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of Military Affairs
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Military Affairs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Publication of Notices in the Florida Administrative Weekly (FAW)
1B-30.005	Materials Incorporated by Incorporation by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials.

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

(b) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(6), F.S., entitled "Adoption of Federal Standards":

CERTIFICATION OF (NAME OF AGENCY)
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE
PURSUANT TO SECTION 120.54(6),
FLORIDA STATUTES
(ADOPTION OF FEDERAL STANDARDS)

I hereby certify:

[] (1) That the time limitations prescribed by Section 120.54(6), F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

[] (2) That there is no non-frivolous objection, under Section 120.54(6)(c), F.S., pending on those portions of any rule covered by this certification; and

[] (3) All rules covered by this certification are filed not less than 21 days after the notice required by Section 120.54(6)(a), F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provisions of Section 120.54(6)(b), F.S., the rule(s) take effect upon the date designated below (but not earlier than the date of filing):

Effective: _____

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(c) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(1)(i)5., F.S.: