

- 69O-156.109 Necessity for Disclosing Policy Provisions Relating to Renewability, Cancellability, and Termination
- 69O-156.110 Testimonials or Endorsements by Third Parties
- 69O-156.111 Use of Statistics
- 69O-156.112 Identification of Plan or Number of Policies
- 69O-156.113 Disparaging Comparisons and Statements
- 69O-156.114 Jurisdictional Licensing and Status of Insurer
- 69O-156.115 Identity of Insurer
- 69O-156.116 Group or Quasi-Group Implications
- 69O-156.117 Introductory, Initial, or Special Offers
- 69O-156.118 Statements About an Insurer
- 69O-156.119 Application in Advertisement
- 69O-156.120 Enforcement Procedures
- 69O-156.121 Filing for Review
- 69O-156.122 Severability
- 69O-156.123 Prior Rules

PURPOSE AND EFFECT: To update this rule part, to allow for a new product generation by adopting revisions to the NAIC Model Regulation.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement Insurance.

RULEMAKING AUTHORITY: 624.308(1) 627.674(2) FS.

LAW IMPLEMENTED: 627.671-.675 FS.

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

DATE AND TIME: May 18, 2009, 9:30 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com.

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

Section II Proposed Rules

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."

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.300
RULE TITLE: Child Care Resource and Referral
PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to establish the requirements related to Child Care Resource and Referral (CCR&R).

SUMMARY: The proposed rulemaking addresses the statewide administration of CCR&R and establishes requirements related to availability of resources, maintenance of information, and issuance of referrals.

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.

RULEMAKING AUTHORITY: 411.0101 FS.

LAW IMPLEMENTED: 411.0101 FS.

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

DATE AND TIME: May 22, 2009, 1:30 p.m. – 2:30 p.m. or until business concludes

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128 and by phone at 1(888)808-6959, Conference Code 921-3193

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristin R. Harden, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128; (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60BB-9.300 Child Care Resource and Referral.
- (1) Child Care Resource and Referral (CCR&R) Services.

(a) CCR&R services shall be locally administered, coordinated, and overseen by CCR&R agencies as established in accordance with Section 411.0101, F.S.

(b) Early learning coalitions and/or their contracted CCR&R agencies shall offer CCR&R services including early learning referrals, consumer education resources, and information regarding community resources to each individual requesting CCR&R services, including but not limited to individuals specifically requesting CCR&R services, individuals applying for School Readiness services, and individuals with a child who has a suspected or diagnosed special need or disability. CCR&R services shall be offered without regard to an individual's level of income, or individual circumstances. CCR&R services shall be available for all children aged zero (0) through twelve (12) including unborn children and children aged thirteen (13) through eighteen (18) who are physically or mentally incapable of self-care or are under court supervision.

(c) Each CCR&R agency shall provide CCR&R services without cost to the individual requesting services within three (3) business days of the individual's request for services.

(d) Each CCR&R agency shall attempt to personally contact an individual requesting services in an emergency situation within two (2) business hours of becoming aware of a request for services and, if the CCR&R agency is unable to make personal contact, continue its attempts to make contact at least once every two (2) business hours. The CCR&R agency shall provide CCR&R services within twenty-four (24) hours of the time the CCR&R agency makes personal contact with the individual requesting services in an emergency situation. Emergency situations include but are not limited to:

1. Closure of a child care or early learning provider with less than forty-eight (48) hours of notice;

2. Declaration of a state of emergency by local, state, or federal officials which affects families and providers within the CCR&R agency's service area; and

3. Family emergencies including the death or hospitalization of a parent or guardian, a change in custody of a child with less than forty-eight (48) hours of notice, or a change in employment or employment status with less than forty-eight (48) hours of notice.

(e) Notwithstanding paragraphs (1)(c) and (d) of this rule, the CCR&R agency is not required to provide services or attempt to contact an individual requesting services in emergency situations if the CCR&R agency is unable to operate as a result of a state of emergency as declared by local, state, or federal officials.

(f) Each CCR&R agency shall establish and implement a plan for ensuring that CCR&R services are accessible to all individuals within its service area, including individuals who have limited access to telephone services, internet services, or transportation. The CCR&R agency may utilize technology

and may coordinate with other CCR&R agencies and community entities in order to expand the accessibility of services.

(g) At least one physical location for CCR&R services shall be available in each CCR&R agency's service area. Each CCR&R agency shall designate a minimum of forty (40) hours each week when individuals requesting services may meet with staff in person on an appointment or walk-in basis to receive CCR&R services within the coalition's service area. In addition, each CCR&R agency shall make staff members available to provide CCR&R services for a minimum of forty (40) hours per week via telephone. CCR&R agencies shall be permitted to reduce the number of weekly hours of in person and telephone availability by a maximum of eight (8) hours for each local, state, or federal holiday and each business day during which a local, state, or federal emergency, which makes the CCR&R agency unable to operate, is declared.

(h) Each CCR&R agency shall maintain a web site and at least one other form of advertisement within its service area that describes the services offered and provides the CCR&R agency's contact information and, if the CCR&R agency is not also an early learning coalition, the contact information of the early learning coalition in which the CCR&R agency operates.

(2) CCR&R services may be offered via telephone, e-mail, on-line, fax or in person. Child care referrals shall be generated using the statewide information system maintained by the Agency for Workforce Innovation. Each referral shall be customized by entering the following information:

(a) Type of household;

(b) Relationship to child;

(c) Reason for care;

(d) Child care issues;

(e) Days/time care is needed;

(f) Child's date of birth;

(g) Type of program requested;

(h) Child's special need, if applicable;

(i) Family's primary language if not English; and

(j) Requests for enhanced services.

(3) Each CCR&R agency shall provide an informational packet to each individual requesting service within six (6) business days of the date upon which the individual requested services. The early learning coalition and/or CCR&R agency is not required to provide an informational packet if the individual requesting services has declined receipt of an informational packet. The individual requesting services may choose to pick up an informational packet in person or to receive an informational packet by mail, email, or fax. At a minimum, an informational packet shall contain:

(a) A cover letter including:

1. A disclaimer statement indicating that the information contained in the informational packet constitutes an unbiased referral for child care services and is not a recommendation regarding the quality of a child care program or the provider's services;

2. Suggestions describing how a family may proceed in the search for an appropriate provider;

3. The web address of the state child care provider licensing database and, if available, the phone number of the local licensing agency;

4. An invitation to contact the CCR&R agency again if further assistance is required;

5. The contact information of the CCR&R agency, the contact information of the early learning coalition in the event that the early learning coalition is not the CCR&R agency, and the toll-free phone number and website (<http://www.floridajobs.org/earlylearning/ChildCareResourceReferralNetwork.html>) of the Agency for Workforce Innovation's Office of Early Learning, CCR&R division.

(b) A child care referral printout which lists a minimum of five (5) providers matching the criteria requested by the individual requesting information unless fewer than five (5) providers within the CCR&R agency's service area meet the criteria requested.

(c) Other information deemed appropriate by the CCR&R agency, as requested by the individual requesting services. Requests for other appropriate information shall be recorded in the statewide information system maintained by the Agency.

(4) Each CCR&R agency shall offer a list of relevant consumer education resources and community resources, including the manner in which each resource may be obtained, to all individuals requesting CCR&R services based upon the information provided by the individual requesting services. The list of relevant consumer resources shall include an offer to provide guidance regarding the content of the list and availability of resources. Each CCR&R agency shall maintain access and current subscriptions to relevant consumer education resources and community resources. Relevant consumer education resources and community resources include but are not limited to:

(a) A resource list or directory of community services for all counties in the early learning coalition service area in which the CCR&R agency operates;

(b) United Way Directory, FLAIRS, 2-1-1;

(c) Information from and contact information for the Department of Children and Families;

(d) Information from and contact information for the Department of Education;

(e) Information regarding Florida KidCare;

(f) Information regarding Abuse Registry;

(g) The Florida Directory of Early Childhood Services (Central Directory);

(h) Resources provided by the Agency for Workforce Innovation including "A Family Guide for Selecting Quality Early Learning Programs" and "A Quality Checklist for Evaluating Early Learning Programs"; and

(i) Any other resources as needed and appropriate to the specific needs of the individual family.

(5) Prior to the CCR&R agency's last business day in May, each CCR&R agency shall provide and annually update the following information in the statewide information system maintained by the Agency for Workforce Innovation for each organization offering family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the WAGES Program, and related family support services within the early learning coalition's service area. At a minimum, the CCR&R agency shall provide the following information for each organization:

(a) Contact information;

(b) Accreditation status;

(c) Program styles offered;

(d) Schedule;

(e) Ages served;

(f) Enrollment information and vacancies;

(g) Curriculum type;

(h) Private pay rates charged;

(i) Environment;

(j) Special services offered;

(k) Languages other than English spoken fluently by the provider's staff;

(l) Staffing;

(m) Transportation; and

(n) Meal options.

(6) CCR&R agencies are encouraged to ensure that the information listed in subsection (5) above is included in the statewide information system maintained by the Agency for Workforce Innovation for all other legally operating early learning and school age child care providers, such as recreational facilities and nanny and au pair agencies.

(7) Early learning coalitions and/or CCR&R agencies are prohibited from charging a provider or organization a fee for identifying the provider or organization through the statewide information system.

Rulemaking Authority 411.0101 FS. Law Implemented 411.0101 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristin R. Harden

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-3.001
 RULE TITLE: Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify experience requirement.

SUMMARY: The experience requirement will be clarified.

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

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.

RULEMAKING AUTHORITY: 472.008 FS.

LAW IMPLEMENTED: 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-3.001 Experience.

(1) No change.

(2) The term “year” as appears in Section 472.013, F.S., when referring to an applicants’ experience record, is defined as ~~twelve (12) months of full time employment a minimum of 1500 hours~~ as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping. Full time employment is at least 32 hours per week. Hours earned in excess of 1500 hours during a 12 month period shall not carry over to a subsequent 12 month period.

Rulemaking Specific Authority 472.008 FS. Law Implemented 472.013 FS. History—New 1-3-80, Amended 6-9-80, 1-11-84, Formerly 21HH-3.01, Amended 1-16-92, Formerly 21HH-3.001, Amended 5-30-95, 10-1-97, 5-17-00, 3-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.001
 RULE TITLE: Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of material allowed in testing facility.

SUMMARY: An updated list of material allowed in testing facility will be added to the rule.

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

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.

RULEMAKING AUTHORITY: 455.217(1), 472.008 FS.

LAW IMPLEMENTED: 455.217(1), 472.013, 472.015 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-4.001 Written Examination Designated; General Requirements.

(1) The examination shall consist of the following:

(a) National.

1.(a) Principles and Practice Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

2.(b) Fundamentals Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

(b) Florida.

(e) Florida Jurisdictional Multiple Choice Examination prepared by the Department or Board designee,; ~~and given prior to the NCEES examinations;~~

(2) Re-examination in tThe Principles and Practice Examination and the Fundamentals Examination will not be required for licensure if the applicant has successfully completed those NCEES portions previously; however, the Florida Jurisdictional Examinations will be required of all applicants.

(3) Only a non-annotated copy of Chapters 95, 161, 177, 455, 472, and 718, Florida Statutes, Section 287.055, Florida Statutes and Chapters 62B-33 and 61G17, Florida Administrative Code, are Except as provided by NCEES testing requirements, examinations are open book, that is, the use of notes, reference books, and slide rule, is permitted at the Florida examination testing site. Programmable and non-programmable calculators are permitted so long as they are: hand-held, silent, battery-operated or solar powered, non-printing, self-contained, and without auxiliary memory capabilities, video screens, or peripheral equipment. All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments.

(4) National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the NCEES Principles and Practice Examination and the NCEES Fundamentals Examination. Examination security requirements as set forth by the Department in Rule 61-11.014, F.A.C., ~~shall be followed throughout the administration of the Florida Jurisdictional Multiple Choice Examination.~~

Rulemaking Specific Authority 455.217(1), 472.008 FS. Law Implemented 455.217(1), 472.013, 472.015 FS. History—New 1-3-80, Amended 6-9-80, 1-25-84, 5-22-85, Formerly 21HH-4.01, Amended 9-16-87, 8-30-92, Formerly 21HH-4.001, Amended 5-30-95, 11-15-95, 4-16-96, 8-10-97, 7-27-00, 10-31-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.010
RULE TITLE: Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide the qualifications of a supervisory appraiser; to list the required form for registration of an appraiser trainee; and to update requirements for contents of an appraisal.

SUMMARY: Qualifications of a supervisory appraiser will be provided; the form for registration of an appraiser trainee will be incorporated into the rule. The requirements for the contents of an appraisal will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. A copy can be obtained from Thomas W. O’Bryant, Jr., Deputy 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.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 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: Thomas W. O’Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) All registered trainee appraisers shall be subject to direct supervision by a supervisory supervising appraiser who shall be state licensed or certified in good standing. In order to qualify as a supervisory appraiser and be responsible for the direct supervision of registered trainee appraisers, not to exceed three (3), the following conditions must be met:

(a) A supervisory appraiser must be fully responsible for appraisal and appraisal reports prepared by registered trainee appraisers;

(b) A supervisory appraiser must be a current licensed appraiser, certified general or certified residential appraiser in good standing with the Board;

(c) Effective December 10, 2010, a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months;

(d) A supervisory appraiser must not have had a registration, certification, or license suspended by the Board or have been disciplined by the Board in two (2) or more disciplinary cases in the past five (5) years; and

(e) A supervisory appraiser’s registration, certification, or license must not be currently subjected to discipline or practice restrictions by the Board. A superviosry appraiser who is currently subjected to discipline may not act as a supervisory appraiser until he or she successfully completes all disciplinary terms and conditions.

(2) The ~~supervisory~~ ~~supervising~~ appraiser shall be responsible for the training and direct supervision of the appraiser trainee by:

(a) Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), F.S.;

(b) Reviewing the appraiser trainee appraisal reports; ~~and~~

(c) Personally inspecting each appraised property with the appraiser trainee until the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), F.S.; ~~and~~

(d) Registering the appraiser trainee with Department through use of DBPR form RE-2060, effective November 2007, hereby incorporated by reference and available at <http://www.myflorida.com/dbpr/re/documents/RE-2060ReqforChngofStatusRTA1107.pdf>

(3) A registered trainee appraiser is permitted to have more than one ~~supervisory~~ ~~supervising~~ appraiser as specified in Section 475.6221, F.S.

(4) Any supervisory appraiser, whether acting as primary or secondary supervisor, may not supervise more than three (3) registered trainee appraisers at one time.

(5) When supervising any aspect of the appraisal process, a ~~supervisory~~ ~~supervising~~ appraiser shall train or supervise registered trainee appraisers located in:

(a) The county where the supervisory appraiser's primary business address is located and registered with the Department; and

(b) Any county contiguous to the county where the supervisory appraiser's primary business address is located and registered with the Department.

(6) Separate appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

(a) Report Date and Transmittal Date; Type of property

(b) Form Type; Date of report

(c) Property Address City, State, Zip; Address of appraised property

(d) Property Type (SFR, condo, or 2-4 Units) Commercial; Description of work performed; and

(e) Description of Registered Trainee's work performed; Number of work hours

(f) Scope of Supervisory Appraiser's Review;

(g) Level of Supervisory Appraiser's Supervision;

(h) Number of Actual Hours Worked By Registered Trainee;

(i) Supervisory Appraiser Signature, Designation and License Number; and

(j) Registered Trainee Signature, Designation and License Number.

~~(7) Separate appraisal logs shall be maintained for each supervising appraiser and signed by each supervising appraiser.~~

~~(7)(8)~~ A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the trainee has a controlling interest.

~~(8)(9)~~ A registered trainee appraiser may accept appraisal assignments only from his or her primary or secondary supervisory appraiser.

~~(9)(10)~~ A registered trainee appraiser may only receive compensation for appraisal services from his or her authorized certified or licensed appraiser.

Rulemaking Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2009

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-6.001 Experience Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to specify requirements when obtaining experience by conducting mass appraisals.

SUMMARY: The requirements regarding mass appraisals will be added to the experience rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. A copy can be obtained from Thomas W. O'Bryant, Jr., Deputy 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.

RULEMAKING AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 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: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5) Experience as defined in subsection (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, address of appraised property, description of work performed by the registered trainee/applicant and scope of the review and supervision of the supervising appraiser, number of work hours, and signature and license number of supervising appraiser ~~(if applicable)~~. The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(q)~~(r)~~, Florida Statutes. Types of acceptable experience are, as follows:

(a) No change.

1. through 2. No change.

(b) Mass appraisals ~~Ad valorem tax appraisals~~:

1. Mass appraisals must be as set forth in Standard ~~Rule 6 of the 2008-2009 Edition~~ of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q), F.S. ~~Experience credit shall be credited when it is demonstrated that the applicant:~~

~~a. Used techniques to value properties similar to those used by appraisers; and~~

~~b. Effectively used the appraisal process.~~

2. Mass appraisal experience claimed by the applicant should be given credit to the extent that it demonstrates proficiency in appraisal practices, techniques, or skills used by appraisers practicing under USPAP Standard 1 adopted in June 1997. Components of the mass appraisal process on which credit will be given are:

~~a. Highest and best use analysis;~~

~~b. Model specification (developing the model); and~~

~~c. Model calibration (developing adjustments to the model).~~

~~All other components of the mass appraisal process are not eligible for experience credit.~~

3. In developing a mass appraisal, an appraiser must be aware of, understand, and correctly employ those recognized methods and techniques necessary to produce and communicate credible mass appraisals. Mass appraisals must

~~be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q), F.S.~~

4. Mass appraisal experience shall include:

a. Identifying properties to be appraised;

b. Defining market area of consistent behavior that applies to properties;

c. Identifying characteristics (supply and demand) that affect the creation of value in that market area;

d.(I) Determining highest and best use;

(II) Demonstrating proficiency with elements and concept of highest and best use through separate analysis if not contained in appraisals submitted for audit;

e. Developing a model structure to determine the contribution of the individual characteristics affecting value;

f. Calibrating the model structure to determine the contribution of the individual characteristics affecting value;

g. Applying the conclusions reflected in the model to the characteristics of the property or properties being appraised; and

h. Reviewing the mass appraisal results.

All other components of the mass appraisal process are not eligible for experience credit.

~~5.4.~~ Experience will be granted for appraisals of individual parcels of real estate.

(c) through (e) No change.

1. through 2. No change.

(6) No change.

Rulemaking Specific Authority 475.614, FS. Law Implemented 475.611(1)(q), 475.615(2), 475.617, 475.628 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, 12-4-06, 4-18-07, 11-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 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 ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-26.001
 RULE TITLE: Description of the Walton County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.001, F.A.C., reestablishing the Coastal Construction Control Line for Walton County, to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and to ensure the preservation of public beach access.

SUMMARY: The legal description of the location of the Coastal Construction Control Line in Walton County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The estimated annual net cost to the Department for administration of the coastal construction control line program for the affected properties in Walton County was calculated as \$5,900. One-time costs for rule promulgation; including staffing, professional fees, travel, and notices, inclusive, are estimated to be approximately \$401,000. The proposed Walton County Coastal Construction Control Line (CCCL) has moved landward from the existing CCCL on 340 properties. However, for all but 96 properties, a landward relocation of the CCCL is not likely to affect the property owner’s requirement to comply with Section 161.053, F.S. and Chapter 62B-33, F.A.C. Developers of these properties will incur higher construction and regulatory costs and will benefit only as a member of the general public or if they intend to live in the constructed units. Owners of developed property will directly benefit through a lessened chance of damage to property and a lower probability of damage from adjacent properties. The general public will not bear direct costs and will receive certain benefits, including preservation of the beach dune system, less damage due to storm waves, and lower costs for disaster relief. This rule has no economic impact on those properties seaward of the existing Walton County Coastal Construction Control Line, as established in 1982.

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.

RULEMAKING AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

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

DATE AND TIME: June 2, 2009, 6:00 p.m.

PLACE: South Walton Annex Board Room, 31 Coastal Centre Blvd., Santa Rosa Beach, 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: Rosaline Beckham, (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us. 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: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-26.001 Description of the Walton County Coastal Construction Control Line.

- (1) No change.
- (2) This rule amendment shall take effect ~~20 days after filing with the Florida Department of State~~ or on the date that it is duly recorded in the public records in the office of the Clerk of the Circuit Court, in and for Walton County, Florida, together with each affected municipality, ~~whichever is later.~~
- (3) No change.

Rulemaking Specific Authority 370.021(1) FS. Law Implemented 161.053 FS. History—New 5-13-75, Amended 12-29-82, Formerly 16B-26.01, 16B-26.001, Amended.

METES AND BOUNDS DESCRIPTION FOR THE COASTAL CONSTRUCTION CONTROL LINE WALTON COUNTY, FLORIDA

(Substantial rewording of Rule 62B-26.001, F.A.C., Description of the Walton County Coastal Construction Control Line, as follows. See Florida Administrative Code for present text.)

Description of coastal construction control line established in compliance with Section 161.053, Florida Statutes, said control line lying along the Gulf of Mexico coast from Okaloosa County and Walton County Line easterly to the Walton County and Bay County Line.

Said coastal construction control line is related to a series of “Permanent Reference Monuments” (P.R.M.) designated and hereinafter referred to as “60-76-A03”, “60-76-A05”, “60-94-DA03”, “W629 2004”, “60-76-A12 through 60-76-A14”, “60-94-A15 azimuth mark”, “high 1872 1935”, “60-94-A19 azimuth mark”, “60-76-A19”, “60-94-DA08”, “60-76-A24”, “60-94-DA09 azimuth mark”, “60-94-DA09”, “60-94-DA10”, “60-94-DA14”, “60-76-A30”, “60-76-A37”, “R-0-B-T 1979”.

The bearing base for this description is grid north, determined by Global Position System (G.P.S.). Observation made at all permanent reference monuments (P.R.M.).

Commence at P.R.M. 60-76-A03; thence N 61 deg. 35 min. 29 sec. W a distance of 195.09 feet to the point of beginning; thence N 86 deg. 38 min. 12 sec. W to the point of intersection with the Walton and Okaloosa County Line, said line being the westerly terminus of the coastal construction control line for Walton county; thence return along the same course to the point of beginning; said point being N 61 deg. 35 min. 29 sec. W a distance 195.09 feet from P.R.M. 60-76-A03.

Thence S 81 deg. 32 min. 46 sec. E a distance of 1139.43 feet a point; thence S 81 deg. 25 min. 05 sec. E a distance of 954.02 feet a point; thence S 81 deg. 13 min. 28 sec. E a distance of 1187.85 feet a point; thence S 81 deg. 17 min. 14 sec. E a distance of 913.74 feet a point; thence S 80 deg. 14 min. 57 sec. E a distance of 1156.37 feet a point; thence S 79 deg. 21 min. 14 sec. E a distance of 930.79 feet a point; thence S 79 deg. 39 min. 46 sec. E a distance of 2155.38 feet a point; thence S 78 deg. 47 min. 24 sec. E a distance of 944.76 feet a point; thence S 79 deg. 44 min. 41 sec. E a distance of 986.57 feet a point; thence S 79 deg. 34 min. 32 sec. E a distance of 1053.17 feet a point; said point being S 74 deg. 10 min. 55 sec. E a distance of 341.46 feet from P.R.M. 60 76 A05.

Thence S 79 deg. 02 min. 06 sec. E a distance of 1015.54 feet a point; thence S 79 deg. 21 min. 23 sec. E a distance of 1038.57 feet a point; thence S 79 deg. 18 min. 01 sec. E a distance of 1010.81 feet a point; thence S 79 deg. 15 min. 18 sec. E a distance of 983.50 feet a point; thence S 78 deg. 58 min. 33 sec. E a distance of 1095.04 feet a point; said point being S 87 deg. 39 min. 37 sec. W a distance of 386.40 feet from P.R.M. 60 94 DA03.

Thence S 78 deg. 43 min. 41 sec. E a distance of 1153.02 feet a point; thence S 78 deg. 18 min. 43 sec. E a distance of 1128.69 feet a point; thence S 78 deg. 02 min. 19 sec. E a distance of 958.15 feet a point; thence S 78 deg. 13 min. 13 sec. E a distance of 946.70 feet a point; thence S 76 deg. 12 min. 54 sec. E a distance of 970.38 feet a point; thence S 78 deg. 08 min. 48 sec. E a distance of 1085.57 feet a point; thence S 77 deg. 15 min. 36 sec. E a distance of 1079.30 feet a point; thence S 77 deg. 32 min. 57 sec. E a distance of 989.93 feet a point; thence S 77 deg. 04 min. 45 sec. E a distance of 987.68 feet a point; thence S 82 deg. 29 min. 35 sec. E a distance of 907.33 feet a point; thence S 75 deg. 56 min. 05 sec. E a distance of 1277.03 feet a point; thence S 71 deg. 31 min. 50 sec. E a distance of 855.29 feet a point; thence S 76 deg. 03 min. 06 sec. E a distance of 1069.79 feet a point; thence S 76 deg. 23 min. 09 sec. E a distance of 780.59 feet a point; thence N 68 deg. 46 min. 43 sec. E a distance of 225.80 feet a point; thence S 74 deg. 01 min. 36 sec. E a distance of 213.49 feet a point; thence S 43 deg. 14 min. 52 sec. E a distance of 209.09 feet a point; said point being S 17 deg. 23 min. 05 sec. W a distance of 580.23 feet from P.R.M. W 629 04.

Thence S 74 deg. 20 min. 55 sec. E a distance of 660.57 feet a point; thence S 74 deg. 46 min. 15 sec. E a distance of 1052.67 feet a point; thence S 74 deg. 01 min. 40 sec. E a distance of

1004.82 feet a point; thence S 74 deg. 59 min. 32 sec. E a distance of 1072.12 feet a point; thence S 76 deg. 39 min. 10 sec. E a distance of 986.36 feet a point; thence S 73 deg. 55 min. 10 sec. E a distance of 985.37 feet a point; thence S 73 deg. 44 min. 33 sec. E a distance of 1034.25 feet a point; thence S 72 deg. 13 min. 56 sec. E a distance of 990.24 feet a point; thence S 74 deg. 19 min. 59 sec. E a distance of 1010.43 feet a point; thence S 73 deg. 16 min. 28 sec. E a distance of 1029.91 feet a point; thence S 74 deg. 35 min. 30 sec. E a distance of 947.67 feet a point; thence S 74 deg. 32 min. 47 sec. E a distance of 681.15 feet a point; thence N 27 deg. 04 min. 34 sec. E a distance of 229.22 feet a point; thence S 64 deg. 20 min. 50 sec. E a distance of 281.50 feet a point; thence S 10 deg. 27 min. 53 sec. E a distance of 223.07 feet a point; thence S 70 deg. 33 min. 15 sec. E a distance of 76.84 feet a point; thence S 72 deg. 20 min. 21 sec. E a distance of 974.77 feet a point; said point being S 56 deg. 20 min. 07 sec. W a distance of 178.50 feet from P.R.M. 60 76 A12.

Thence S 72 deg. 58 min. 37 sec. E a distance of 1056.76 feet a point; thence S 73 deg. 47 min. 47 sec. E a distance of 1037.21 feet a point; thence S 72 deg. 53 min. 16 sec. E a distance of 1006.78 feet a point; thence S 72 deg. 48 min. 05 sec. E a distance of 628.51 feet a point; thence N 15 deg. 52 min. 13 sec. E a distance of 31.63 feet a point; thence S 72 deg. 03 min. 08 sec. E a distance of 607.04 feet a point; thence S 71 deg. 55 min. 15 sec. E a distance of 314.79 feet a point; thence S 17 deg. 15 min. 10 sec. W a distance of 69.10 feet a point; said point being N 86 deg. 42 min. 28 sec. W a distance of 361.85 feet from P.R.M. 60 76 A13.

Thence S 70 deg. 20 min. 26 sec. E a distance of 816.77 feet a point; thence S 70 deg. 06 min. 32 sec. E a distance of 1129.60 feet a point; thence S 71 deg. 47 min. 27 sec. E a distance of 1080.10 feet a point; thence S 69 deg. 42 min. 01 sec. E a distance of 1088.08 feet a point; said point being S 37 deg. 04 min. 57 sec. E a distance of 388.29 feet from P.R.M. 60 76 A14.

Thence S 70 deg. 40 min. 51 sec. E a distance of 1024.86 feet a point; thence S 70 deg. 32 min. 38 sec. E a distance of 1043.29 feet a point; thence S 72 deg. 44 min. 04 sec. E a distance of 971.17 feet a point; thence S 68 deg. 40 min. 22 sec. E a distance of 1022.07 feet a point; thence S 70 deg. 21 min. 20 sec. E a distance of 727.96 feet a point; thence N 84 deg. 33 min. 57 sec. E a distance of 328.47 feet a point; said point being S 00 deg. 20 min. 57 sec. W a distance of 186.06 feet from P.R.M. 60 76 A15 azimuth mark.

Thence S 69 deg. 59 min. 00 sec. E a distance of 643.41 feet a point; thence S 21 deg. 37 min. 41 sec. E a distance of 236.66 feet a point; thence S 67 deg. 52 min. 11 sec. E a distance of 287.13 feet a point; thence S 69 deg. 50 min. 08 sec. E a distance of 1007.98 feet a point; thence S 69 deg. 57 min. 36 sec. E a distance of 1037.50 feet a point; thence S 72 deg. 14

min. 07 sec. E a distance of 1041.68 feet a point; said point being S 81 deg. 22 min. 05 sec. W a distance of 384.90 feet from P.R.M. high 1872 1935.

Thence S 72 deg. 43 min. 38 sec. E a distance of 1030.34 feet a point; thence S 72 deg. 24 min. 11 sec. E a distance of 1022.94 feet a point; thence S 71 deg. 34 min. 50 sec. E a distance of 1035.37 feet a point; thence S 73 deg. 02 min. 32 sec. E a distance of 944.54 feet a point; thence S 63 deg. 53 min. 38 sec. E a distance of 204.55 feet a point; thence N 77 deg. 06 min. 32 sec. E a distance of 522.91 feet a point; thence S 84 deg. 03 min. 18 sec. E a distance of 578.86 feet a point; thence S 22 deg. 53 min. 55 sec. E a distance of 187.64 feet a point; thence S 66 deg. 19 min. 53 sec. E a distance of 833.43 feet a point; thence S 49 deg. 26 min. 43 sec. E a distance of 160.49 feet a point; thence S 07 deg. 47 min. 06 sec. W a distance of 129.12 feet a point; thence S 70 deg. 50 min. 44 sec. E a distance of 930.49 feet a point; thence S 70 deg. 33 min. 24 sec. E a distance of 1056.39 feet a point; thence S 72 deg. 46 min. 18 sec. E a distance of 1099.87 feet a point; thence S 89 deg. 40 min. 08 sec. E a distance of 627.63 feet a point; thence S 68 deg. 45 min. 43 sec. E a distance of 476.40 feet a point; thence S 68 deg. 34 min. 38 sec. E a distance of 883.23 feet a point; thence S 68 deg. 27 min. 50 sec. E a distance of 630.00 feet a point; thence S 14 deg. 41 min. 02 sec. W a distance of 214.94 feet a point; thence S 85 deg. 59 min. 22 sec. E a distance of 432.10 feet a point; thence S 86 deg. 20 min. 56 sec. E a distance of 956.62 feet a point; thence S 86 deg. 36 min. 09 sec. E a distance of 463.56 feet a point; thence S 39 deg. 25 min. 21 sec. E a distance of 1008.29 feet a point; thence S 81 deg. 26 min. 41 sec. E a distance of 804.55 feet a point; said point being N 81 deg. 05 min. 40 sec. W a distance of 254.85 feet from P.R.M. 60 94 A19 azimuth mark.

Thence S 71 deg. 54 min. 30 sec. E a distance of 996.26 feet a point; thence S 59 deg. 58 min. 21 sec. E a distance of 1130.40 feet a point; said point being N 63 deg. 25 min. 47 sec. W a distance of 261.00 feet from P.R.M. 60 76 A19.

Thence S 69 deg. 40 min. 50 sec. E a distance of 1004.88 feet a point; thence S 70 deg. 08 min. 13 sec. E a distance of 1015.23 feet a point; thence S 69 deg. 33 min. 08 sec. E a distance of 969.34 feet a point; thence S 69 deg. 37 min. 34 sec. E a distance of 1036.12 feet a point; thence S 70 deg. 16 min. 37 sec. E a distance of 1042.24 feet a point; thence S 69 deg. 04 min. 05 sec. E a distance of 1013.20 feet a point; thence S 69 deg. 53 min. 10 sec. E a distance of 997.25 feet a point; thence S 68 deg. 21 min. 58 sec. E a distance of 1123.49 feet a point; said point being n 83 deg. 48 min. 21 sec. W a distance of 545.38 feet from P.R.M. 60 94 DA08.

Thence S 70 deg. 00 min. 41 sec. E a distance of 951.72 feet a point; thence S 68 deg. 36 min. 35 sec. E a distance of 1028.97 feet a point; thence S 69 deg. 41 min. 01 sec. E a distance of 1020.22 feet a point; thence S 69 deg. 48 min. 02 sec. E a distance of 1001.87 feet a point; thence S 69 deg. 47 min. 04 sec. E a distance of 1029.68 feet a point; thence S 69 deg. 45

min. 14 sec. E a distance of 1016.97 feet a point; thence S 70 deg. 37 min. 22 sec. E a distance of 998.98 feet a point; thence S 69 deg. 08 min. 34 sec. E a distance of 999.24 feet a point; thence S 68 deg. 54 min. 09 sec. E a distance of 1017.83 feet a point; said point being S 16 deg. 55 min. 32 sec. E a distance of 499.16 feet from P.R.M. 60 76 A24.

Thence S 70 deg. 27 min. 06 sec. E a distance of 825.65 feet a point; thence N 82 deg. 08 min. 40 sec. E a distance of 514.31 feet a point; thence S 54 deg. 57 min. 58 sec. E a distance of 934.31 feet a point; said point being S 58 deg. 12 min. 05 sec. W a distance of 921.80 feet from P.R.M. 60 94 DA09 azimuth mark.

Thence S 66 deg. 48 min. 13 sec. E a distance of 926.25 feet a point; said point being S 43 deg. 15 min. 27 sec. E a distance of 122.95 feet from P.R.M. 60 94 DA09.

Thence S 68 deg. 09 min. 03 sec. E a distance of 938.27 feet a point; thence S 68 deg. 41 min. 09 sec. E a distance of 1059.14 feet a point; said point being S 09 deg. 56 min. 10 sec. E a distance of 182.71 feet from P.R.M. 60 94 DA10.

Thence N 86 deg. 41 min. 15 sec. E a distance of 850.99 feet a point; thence S 50 deg. 22 min. 51 sec. E a distance of 326.76 feet a point; thence S 50 deg. 35 min. 58 sec. E a distance of 956.89 feet a point; thence S 65 deg. 06 min. 06 sec. E a distance of 1078.14 feet a point; thence S 66 deg. 55 min. 29 sec. E a distance of 1015.08 feet a point; thence S 70 deg. 31 min. 29 sec. E a distance of 1097.69 feet a point; thence N 83 deg. 55 min. 31 sec. E a distance of 630.29 feet a point; thence S 59 deg. 33 min. 30 sec. E a distance of 373.68 feet a point; thence S 59 deg. 55 min. 20 sec. E a distance of 913.96 feet a point; thence S 54 deg. 14 min. 09 sec. E a distance of 966.19 feet a point; thence S 64 deg. 22 min. 45 sec. E a distance of 259.04 feet a point; thence S 64 deg. 43 min. 40 sec. E a distance of 1018.52 feet a point; thence S 65 deg. 24 min. 03 sec. E a distance of 1030.81 feet a point; thence S 65 deg. 03 min. 51 sec. E a distance of 996.77 feet a point; said point being S 33 deg. 01 min. 42 sec. E a distance of 308.81 feet from P.R.M. 60 94 DA14.

Thence S 65 deg. 46 min. 49 sec. E a distance of 964.20 feet a point; thence S 66 deg. 14 min. 59 sec. E a distance of 1085.17 feet a point; thence S 67 deg. 04 min. 09 sec. E a distance of 990.11 feet a point; thence S 68 deg. 11 min. 00 sec. E a distance of 1013.09 feet a point; thence S 66 deg. 55 min. 01 sec. E a distance of 873.86 feet a point; thence S 66 deg. 29 min. 25 sec. E a distance of 1165.89 feet a point; said point being S 20 deg. 19 min. 32 sec. W a distance of 830.16 feet from P.R.M. 60 76 A30.

Thence S 67 deg. 23 min. 52 sec. E a distance of 1015.62 feet a point; thence S 65 deg. 46 min. 51 sec. E a distance of 1025.97 feet a point; thence S 66 deg. 09 min. 31 sec. E a distance of 993.66 feet a point; thence S 67 deg. 29 min. 35 sec. E a distance of 1020.63 feet a point; thence S 66 deg. 16 min. 26 sec. E a distance of 1049.19 feet a point; thence S 65 deg. 26 min. 24 sec. E a distance of 997.09 feet a point; thence S 66

deg. 23 min. 52 sec. E a distance of 1002.23 feet a point; thence S 65 deg. 45 min. 56 sec. E a distance of 836.36 feet a point; thence S 65 deg. 24 min. 33 sec. E a distance of 1153.63 feet a point; said point being N 62 deg. 37 min. 46 sec. W a distance of 265.51 feet from P.R.M. 60 76 A37.

Thence S 66 deg. 54 min. 22 sec. E a distance of 978.48 feet a point; thence S 66 deg. 26 min. 48 sec. E a distance of 1062.33 feet a point; thence S 65 deg. 33 min. 55 sec. E a distance of 1031.47 feet a point; thence S 65 deg. 51 min. 56 sec. E a distance of 1022.63 feet a point; said point being N 85 deg. 08 min. 07 sec. W a distance of 1511.68 feet from P.R.M. R-0-B-T 1979.

Thence S 67 deg. 46 min. 49 sec. E to the point of intersection with the Walton-Bay County Line and the point of terminus of the herein described coastal construction control line for Walton county, Florida.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Llwellyn, Director, Water Resource Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.005 RULE TITLE: Citations
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the rule for consistency.
 SUMMARY: The rule will be clarified for consistency.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Allen Hall, 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.

RULEMAKING AUTHORITY: 456.077, 468.507 FS.
 LAW IMPLEMENTED: 456.077, 468.517, 468.518 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations, ~~which shall result in a penalty of \$100:~~

(a) Failure to renew license during which time the person continues to practice up to sixty days; ~~– a fine of \$100.~~

(b) Issuing a bad check to the Department for payment of licensure or renewal; ~~– a fine of \$100.~~

(c) Failure to notify the Department of a change of address within sixty days; ~~– a fine of \$100.~~

(d) Falsely certifying timely completion of required continuing education courses for renewal or initial licensure, if completed by the time the citation is to be issued; ~~– a fine of \$100, penalty of \$100 per contact hour wrongfully claimed,~~

~~(e) Failure to respond to a continuing education audit within thirty days;~~

~~(e)(f) Failure to comply with continuing education requirements;~~

1. Fines:

a. Failure to complete less than 9 hours, a fine of \$300.

b. Failure to complete between 9 and 16 hours, a fine of \$600.

c. Failure to complete between 17 and 24 hours, a fine of \$1,000.

2. Licensee must provide proof of completion of the deficient hours within 90 days of the date the citation was filed.

~~(f)(g) Failure to respond timely to a continuing education audit; – a fine of \$100, and licensee must provide proof of compliance with continuing education requirements within 30 days of the date the citation was filed.~~

(g) Failure to timely pay required fees and fines; ~~– a fine of \$100.~~

(h) Failure to comply with advertising requirements; ~~– a fine of \$100.~~

(i) Failure to display signs, licenses, and permits; ~~– a fine of \$100.~~

(5) through (6) No change.

Rulemaking Specific Authority 456.077, 468.507 FS. Law Implemented 456.077, 468.517, 468.518 FS. History–New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended 9-26-01, 3-25-02, 7-17-05, 4-10-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Council
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.001
RULE TITLE: General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to further define home study.

SUMMARY: Home study will be further defined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Allen Hall, 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.

RULEMAKING AUTHORITY: 456.013(7), (8), (9), 468.507 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 468.514, 468.515 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.001 General Requirements.

(1) No change.

(2) Home study education is independent study and requires a certificate of completion and an examination. Web based, satellite transmitted, video or audio transmitted or on line instruction programs that allow or require the licensee to interact or communicate back and forth with the instructor during the presentation of the program are not considered home study education, but can be counted as continuing education.

(3) through (7) No change.

Rulemaking Specific Authority 456.013(7), (8), (9), 468.507 FS. Law Implemented 456.013(7), (8), (9), 468.514, 468.515 FS. History--New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03, 4-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.002
RULE TITLE: Continuing Education Approval

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the number of continuing education credits to be awarded per college semester credit hour.

SUMMARY: The number of continuing education credits to be awarded per college semester credit hours will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Allen Hall, 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.

RULEMAKING AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 468.514, 468.515 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. Organized courses of post graduate study offered by or approved by the American Medical Association's Liaison Committee for Medical Education;

2. Organized courses sponsored by the Public Health Service, state or territorial health services, or a branch of the United States Armed Services;

3. College courses from an approved graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education or courses approved by any Board within the Division of Medical Quality Assurance of the Florida Department of Health and which course clearly relates to maintaining skills necessary for the safe and competent

practice of dietetics and nutrition services, the licensee shall receive 15 continuing education credits for each semester hour of the course.

4. Organized courses offered by or approved by the Commission on Dietetic Registration.

(b) Attendance of a minimum of two hours at a scheduled public meeting of the Dietetics and Nutrition Practice Council, up to a maximum of 2 hours per biennium.

(c) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part X, F.S., shall receive 2.5 hours of credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Board up to a total of 5 hours per biennium.

(2) through (4) No change.

Rulemaking Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History–New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended 9-26-01, 5-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-2.016 Forms

PURPOSE AND EFFECT: The proposed rule is intended to incorporate the forms utilized by the Board into a forms rule and to set forth the Board’s website address for the purpose of obtaining said forms.

SUMMARY: The proposed rule incorporates the forms utilized by the Board into a forms rule and sets forth the Board’s website address for the purpose of obtaining said forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 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.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 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: Rick Garcia, Executive Director, Board of Nursing 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.016 Forms.

The following forms are incorporated herein by reference, and may be obtained from the Board office or on the Board’s website: www.doh.state.fl.us/mqa/nursing:

(1) Application for Nursing Licensure by Examination, form number DH-MQA 1094, 10/08.

(2) Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120, 10/08.

(3) Application for Nursing Licensure by Endorsement, form number DH-MQA 1095, 10/08.

(4) Application for Dual Registered Nurse (RN) and Advanced Registered Nurse Practitioner, form number DH-MQA 1124, 12/08.

(5) Financial Responsibility, form number DH-MQA 1186, 1/09.

(6) Dispensing Application for ARNPs, form number DH-MQA 1185, 3/09.

(7) Application for Clinical Nurse Specialist (CNS), form number DH-MQA 1117, 10/08.

(8) Reciprocity Application for Certified Nursing Assistant, form number DH-MQA 1121, 2/08.

Rulemaking Authority 464.006 FS. Law Implemented 456.013, 464.008, 464.009 FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-5.002 Continuing Education Requirement

PURPOSE AND EFFECT: The purpose and effect of this rule development is to make the C.E. requirement effective in the next biennium rather than in the middle of the current biennium.

SUMMARY: The proposed rule clarifies the biennium for continuing education requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 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.

RULEMAKING AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-5.002 Continuing Education Requirement.

(1) As a condition of license renewal or recertification, each licensee must complete approved continuing education.

(a) No change.

(b) For the biennium beginning December 1, 2009 ~~2007~~, each licensee's continuing education must include two hours on Chapters 456, 468 Part XIV, F.S., and Rule Chapter 64B14, F.A.C.; an up to date registration showing competency as a Healthcare Provider by the American Heart Association, the American Safety and Health Institute or the American Red Cross; and two hours of continuing education relating to the prevention of medical errors, which shall include a study of root cause analysis, error reduction and prevention, and patient safety. The two hour medical errors course shall be a course approved by the Board and shall count toward the total number of continuing education hours required for the biennium.

(2) through (8) No change.

Rulemaking Specific Authority 468.802, 468.806 FS. Law Implemented 456.013, 456.024, 468.806 FS. History-New 7-1-98, Amended 5-18-00, 7-18-02, 11-11-02, 2-15-05, 11-1-05, 3-2-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:

64B14-7.002 Patient Records

PURPOSE AND EFFECT: The purpose of this rule is to ensure that medical records are retained during the period of the statute of limitation.

SUMMARY: The proposed rule changes the retention schedule for medical records from two years to seven years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 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.

RULEMAKING AUTHORITY: 456.057(16), 468.802 FS.

LAW IMPLEMENTED: 456.057(16), 468.802 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.002 Patient Records.

(1) through (2) No change.

(3) The licensee shall retain the patient record for at least seven ~~two~~ years from the date of last entry, unless otherwise provided by law.

Rulemaking Specific Authority 456.057(16), 468.802 FS. Law Implemented 456.057(16), 468.802 FS. History-New 7-1-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF HEALTH**Vital Statistics**

RULE NOS.: RULE TITLES:
64V-1.0031 Birth Certificate Amendments by
 Adoption

64V-1.0061 Death and Fetal Death Registration

64V-1.016 Florida Putative Father Registry

PURPOSE AND EFFECT: Rule 64V-1.0031, F.A.C., amending form used in reporting of adoptions to the Department of Health to provide information to the public relative to the Florida Putative Father Registry. Rule 64V-1.0061, F.A.C., amending the rule regarding death and fetal death registration to promote physician's signing death certificates by clarifying that signature of physician does not constitute proof of cause of death. Rule 64V-1.016, F.A.C., amending rule that incorporates forms used in conjunction with the Florida Putative Father Registry to include language passed during 2008 Legislative Session.

SUMMARY: Purpose of proposed amendment is to update form used for notifying the Bureau of Vital Statistics of an adoption granted in Florida to add language relative to the Florida Putative Father Registry. Amending rule incorporating forms used in death and fetal death registration as well as language relative to physician's signature not constituting prima facie proof of cause of death and to update forms used in the registering, updating and search of the Florida Putative Father Registry as a result of 2008 legislation.

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.

RULEMAKING AUTHORITY: 63.054(3), (10), (14), 382.003(7), (10), 382.008, 381.0015(6), 382.015(5), 382.0255(3) FS.

LAW IMPLEMENTED: 63.054, 63.062(1), 63.152, 382.003(7), (10), (11), 382.008, 382.015, 382.017, 382.0255(1) 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: May 25, 2009, 10:00 a.m.

PLACE: Department of Health, Bureau of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32202 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 3 days before the workshop/meeting by contacting: Kevin Wright, Operations Manager, Bureau of Vital Statistics, P. O. Box 210, Jacksonville, Florida

32231-0042; telephone (904)359-6900. 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: Kevin Wright, Operations Manager, Bureau of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042; telephone (904)359-6900

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.0031 Birth Certificate Amendments by Adoption.

(1) Any adoption entered by a court in this state shall be recorded on a Certified Statement of Final Decree of Adoption, DH Form 527, ~~Aug 08 June 07~~, hereby incorporated by reference and available from the Florida Department of Health, ~~Bureau State Office~~ of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. Upon receipt of a Certified Statement of Final Decree of Adoption, DH Form 527, completed and certified by the clerk of the circuit court entering the adoption, the department shall amend the birth certificate if the child was born in this state.

(2) The department shall, upon receipt of a Certified Statement of Final Decree of Adoption, DH Form 527, ~~Aug 08 June 07~~, incorporated by reference in subsection (1) of Rule 64V-1.0031, F.A.C., that has been granted pursuant to Section 382.017, F.S., and an Application for Certificate of Foreign Birth, DH Form 1178, June 07, hereby incorporated by reference and available from the Florida Department of Health, ~~Bureau State Office~~ of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, electronically create a Certificate of Foreign Birth, DH Form 1156, Nov. 07, hereby incorporated by reference and available from the Florida Department of Health, ~~Bureau State Office~~ of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

~~Rulemaking Specific~~ Authority 382.003(10), 382.015(6), 382.0255(3) FS. Law Implemented 63.152, 382.003(7), 382.015, 382.017 FS. History--New 11-11-98, Amended 7-18-00, 2-29-04, 5-13-08,

64V-1.0061 Death and Fetal Death Registration.

(1) All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered electronically on the department's electronic death registration system or by means specified by the state registrar. A Florida Certificate of Death, DH Form 512, July 04, hereby incorporated by reference and available from the Florida Department of Health, ~~Bureau State Office~~ of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be used until an electronic death registration system is implemented.

(2) All fetal deaths occurring in this state shall be filed on a Florida Certificate of Fetal Death, DH Form 428, Jan. 06, hereby incorporated by reference and available from the Florida Department of Health, Bureau State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

(3) A death certificate is prima facie proof of the fact, place, date, and time of death and identity of the decedent. A physician's signature and statement as to the cause of death does not constitute prima facie proof of the cause of death.

Rulemaking Specific Authority 382.003(7), (10), 382.008 FS. Law Implemented 382.003(7), (10), (11), 382.008 FS. History--New 2-29-04, Amended 10-19-04, 11-17-05, 5-13-08,_____.

64V-1.016 Florida Putative Father Registry.

(1) A claim of paternity filed by an unmarried biological father as defined in subsection 63.032(19), F.S., shall be made on a Florida Putative Father Registry Claim of Paternity, DH Form 1965, Aug 08 Oct. 06, hereby incorporated by reference and available from the Florida Department of Health, Bureau State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. A request to update information or revoke a claim of paternity shall be made on a Florida Putative Father Registry – Update to Claim of Paternity, DH Form 1964, Aug 08 Oct. 06, hereby incorporated by reference and available from the Florida Department of Health, Bureau State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. A request for search of the Florida Putative Father Registry shall be made on Florida Putative Father Registry – Application for Search, DH Form 1963, Aug 08 Oct. 06, hereby incorporated by reference and available from the Florida Department of Health, Bureau State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

(2) To efficiently maintain the registry, the Office of Vital Statistics shall purge the name of a registrant upon entry of a court order establishing paternity, entry of an adoption order, or when the child reaches the age of 18.

Rulemaking Specific Authority 63.054(3), (10), (14), 382.003(7) FS. Law Implemented 63.054, 63.062(1), 382.0255(1) FS. History--New 11-11-98, Amended 2-29-04, 5-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Jones, Bureau Chief/Deputy State Registrar, Bureau of Vital Statistics

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-51.003
RULE TITLE: Procedures for Local Government Electronic Reporting

PURPOSE AND EFFECT: Section 218.32(1)(a), F.S., requires each local government entity as defined in Section 218.31, F.S., and each independent special district as defined in Section 189.403, F.S., to submit to the Department a copy of its annual financial report for the previous fiscal year in a format prescribed by the Department. Section 218.32(1)(c), F.S., requires each regional planning council, each local government finance commission, board, or council, and each municipal corporation created as a separate legal or administrative entity to submit to the Department a copy of its annual financial report for the previous year in a format prescribed by the Department. The Bureau of Local Government has set up a web-based electronic reporting program called Local Government Electronic Reporting (“LOGER”) where government entities can submit their annual financial reports.

SUMMARY: The proposed rule will require that government entities that are required to submit annual financial reports to the Department pursuant to Section 218.32, F.S., shall electronically submit such reports to the Department using the LOGER Program. The submission of annual audit reports required under Section 218.32, F.S., is not affected by the LOGER electronic reporting program.

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.

RULEMAKING AUTHORITY: 17.29, 218.33(2) FS.

LAW IMPLEMENTED: 218.32, 218.33(2) 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: May 26, 2009, 10:00 a.m.

PLACE: Room 430, Fletcher Building, 101 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Justin Young; (850)413-5712 or Justin.Young@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Justin Young, Bureau of Local Government, 200 East Gaines Street, Tallahassee, FL 32399-0354; (850)413-5712 or Justin.Young@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-51.003 Procedures for Local Government Electronic Reporting.

(1) The Department shall annually provide notice of the beginning of the new annual financial reporting cycle through the Bureau of Local Government's ListServ mailing list. The government entities referenced in subsection (2) below shall register on the Bureau's ListServ to receive this notice by accessing the Department's website at www.myfloridacfo.com/aadir/localgov/listserv.htm and completing the ListServ application. The notice shall include the Bureau of Local Government's website address where all government entities required to file the annual financial report shall have access to the electronic submission program, LOGER (Local Government Electronic Reporting). Each year, Form DFS AA 401, Annual Local Government Financial Report (revised 10-7-97) and Form DFS AA 403, Input Document By Fund Group for Revenues and Expenditures/Expenses (revised 10-7-97) (hereinafter referred to as "reporting forms") and instructions will be mailed to each known reporting entity, independent special district which is a component unit of a primary government and constitutional officer. Forms DFS AA 401 and DFS AA 403 and their accompanying instructions are hereby incorporated by reference and available from the Department.

(2) The following government entities shall complete and electronically submit the annual financial report to file reporting forms with the Department through the LOGER program:

(a) Each local government entity as defined in Section 218.31, F.S. reporting entity;

(b) Each independent special district as defined in Section 189.403, F.S., regardless of its existence as a component unit of another local government, which is a component unit of a primary government or of an other stand-alone government and therefore included in the financial information reported by the reporting entity; and

(c) Each regional planning council created under Section 186.504, F.S. Each constitutional officer.

(d) Each local government finance commission, board, or council.

(e) Each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under Section 163.01(7), F.S.

(3) The annual financial report and either a copy of the government entity's audited financial statements or the Auditor General's Data Element Worksheet shall be submitted to the Department by the deadlines set forth in Sections 218.32(1)(d) and 218.32(1)(e), F.S.

~~(3)(a) The reporting forms for the entities described in paragraphs (2)(a) and (b) above shall be completed and submitted on or before the dates provided in Section 218.32(1)(b), Florida Statutes.~~

~~(b) The reporting forms for the constitutional officer shall be filed with the county on or before the date provided in Section 218.36, Florida Statutes, or with the Department on or before the date provided in Section 116.03, Florida Statutes.~~

(4) If any government entity which is required to file the annual financial report with the Department believes that electronic submission as required by this rule would create a substantial hardship for the entity, it may petition the Department for a variance or waiver from this rule. Any petition for a variance or waiver shall comply with the requirements of Section 120.542(5), F.S. The petition shall be submitted to the Bureau of Local Government Finance, 200 E. Gaines Street, Tallahassee, Florida 32399-0353.

Rulemaking Specific Authority 17.29, 218.33(2) FS. Law Implemented 218.32(1)(b), 218.33(2) FS. History-New 5-8-94, Amended 8-2-94, 1-27-98, Formerly 3A-51.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Burton Marshall, Chief, Bureau of Local Government, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 13, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-2.002	Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage

PURPOSE AND EFFECT: Rule 69J-2.002, F.A.C., is being repealed.

SUMMARY: Rule 69J-2.002, F.A.C., is being repealed. It will be replaced by Rule 69J-166.002, F.A.C.

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.

RULEMAKING AUTHORITY: 624.308, 626.9611, 627.7015(4) FS.

LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS.

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: May 27, 2009, 3:00 p.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ellen Simon; (850)413-4270 or ellen.simon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Chief Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333; (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.002 Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New 6-26-06, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Chief Counsel, Division of Legal Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-166.002
RULE TITLE: Mediation of Commercial Residential Property Insurance Claims

PURPOSE AND EFFECT: The proposed rule will establish a mediation program for resolving disputed commercial residential insurance claims to be administered by the Department. This rule will replace Rule 69J-2.002, F.A.C., which is no longer needed since the number of disputed commercial residential insurance claims being mediated through the outside vendor has significantly diminished.

SUMMARY: The proposed rule requires insurers to notify commercial residential policyholders of their right to request mediation of their disputed claims. The rule creates procedures for a notice of the right to mediation, requesting mediation, assignment of mediators, payment for mediation, scheduling mediation conferences, and the conduct of the mediation conference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.7015(4) FS.

LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9581(1), 626.9641(1)(g), 627.7015 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: May 27, 2009, 3:00 p.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ellen Simon at (850)413-4270 or ellen.simon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Chief Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4270 or ellen.simon@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-166.002 Mediation of Commercial Residential Property Insurance Claims.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is prompted by the critical need for effective, fair, and timely handling of commercial residential property claims. This program is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Department from Circuit or County court. For claims which have not previously been mediated under any Department mediation program, the mediation procedures described in this rule are available to all commercial residential property claims for property located in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance, or to liability coverage contained in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Personal lines residential insurance claims can be mediated pursuant to a separate rule. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.

(2) Definitions. The following definitions shall apply for purposes of this rule:

(a) "Administrator" means the Department or its designee.

(b) "Mediator" means an individual selected by the Department pursuant to paragraph (7)(a) below.

(c) "Claim".

1. "Claim" refers to any dispute between the insurer and insured relating to a material issue of fact other than:

a. A dispute as to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud; or

b. A dispute where, based upon agreed facts as to the cause of loss, there is no coverage under the policy.

2. Unless the parties agree to mediate a claim involving a lesser amount, a claim involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, either of which is notwithstanding of any applicable deductible.

3. A policy must have been in effect at the time of the loss to qualify as a claim.

(d) "Complainant" refers to the party requesting mediation.

(e) "Department" means the Department of Financial Services.

(f) "Department office" means a designated office of the Division of Consumer Services, Department of Financial Services.

(g) "Party" or "Parties" means the insured and their insurer, including Citizens Property Insurance Corporation, when applicable.

(h) "Respondent" refers to the party not first requesting mediation.

(i) "Authorized representative" means that individual who has been authorized, by the appropriate governing body of a condominium association, cooperative association, or homeowners' association, to represent the association at mediation, make decisions on the association's behalf at mediation, and enter into a binding settlement agreement on behalf of the association.

(j) "Governing documents" are those documents creating the forms of property ownership governed by Chapters 718, 719 and 720, F.S., and those documents creating the entities governed by Chapters 718, 719 and 720, F.S.

(3) Computation of Time. In computing any period of time described by this rule, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. All time periods specified in this rule refer to the number of calendar days, not business days, unless otherwise specified in this rule.

(4) Claim Settlement.

(a) Notification of the right to mediate.

1. Within five days of the insurer receiving a first-party claim which falls within the scope of this rule, the insurer shall notify the insured of their right to participate in this program. An insurer is not required to send a notice of the right to mediate disputed claims when no payment has been made on a claim because the insurer concludes the amount of covered damages is less than the insured's deductible.

2. The mailing that contains the notice of the right to mediate may include the Department's consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, printed in at least 12-point type, and printed in typeface no smaller than any other text contained in the notice. The first paragraph of the notice shall contain the following statement: "The Chief Financial Officer for the State of Florida has adopted a rule to facilitate the fair and timely handling of commercial residential property insurance claims. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process after receipt of this notice by calling the Department of

Financial Services at 1(877)693-5236. The parties will have 21 days from the date of the notice to otherwise resolve the dispute before a mediation hearing can be scheduled.”

3. The notice shall also:

a. Include detailed instructions on how the insured is to request mediation, including the address, phone number, and fax number for requesting mediation through the Department;

b. State that the parties have 21 days from the date of the notice within which to settle the claim before the Department will assign a mediator;

c. Include the insurer’s address and phone number for requesting additional information; and

d. State that the Administrator will select the mediator.

e. Refer to the parties’ right to disqualify a mediator for good cause and paraphrase the definition of good cause as set forth in paragraph (7)(e) of this rule.

f. Indicate that the insured is to notify the mediator 7 days before the mediation conference if the insured will bring counsel to the conference, unless the insurer waives the right to the notice of counsel.

(b) Request for Mediation.

1. By the Insured. An insured may request mediation by submitting a completed Commercial Residential Mediation Request Form (Form DFS-II-1669, Revised 2/09) which is hereby incorporated by reference, to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212. A copy of the request form can be obtained by calling 1(877)693-5236. If an insured requests mediation prior to receipt of the notice of the right to mediation, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured’s request for mediation. If an insurer receives a request for mediation, the insurer shall notify the Mediation Section within 72 hours of receipt of the request by fax to (850)488-6372 or by email to www.mediation@myfloridacfo.com. The Administrator shall notify the insurer within 72 hours of receipt of requests filed with the Department. The insured should provide the following information, if known:

a. Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

b. The claim and policy number for the insured;

c. A brief description of the nature of the dispute;

d. The full name of the insurer and the name, address, e-mail address, and phone number of the contact person for scheduling mediation; and

e. Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils such as flood or windstorm.

2. By an Insurer. An insurer may request mediation by submitting a completed Commercial Residential Mediation Request Form (Form DFS-II-1669, Revised 2/09) to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212. A copy of the request form can be obtained by calling 1(877)693-5236. The insurer shall provide a copy of its written mediation request to the insured at the same time it submits the request to the Department. The written request should contain the information set forth in subparagraph (4)(b)1., if known. Mediation requests by insurers will be processed by the Administrator in the same manner as mediation requests by insureds.

(c) Upon receiving a request for mediation, and after the expiration of the 21 day resolution period, the Administrator shall randomly select from the Department’s list a mediator to conduct the mediation conference. The Administrator shall notify the mediator of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), the Department’s file number, the date of the request for mediation, and that the mediation is to occur within 45 days of the request. The mediator will have three business days from the date of notification by the Administrator to accept or reject the selection. If the mediator rejects the selection or fails to accept the selection within three business days, or if the mediator is disqualified pursuant to paragraph (7)(e), then the Administrator shall randomly select another mediator. For all mediation requests under this rule, the time limits in this section shall not be applicable for two years following the declaration of a disaster. Failure of an insurer to abide by this procedure and to notify the insured as required above will result in the insurer being referred to the Florida Office of Insurance Regulation. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.

(5) Rejection of Mediation. An insurer may elect to reject mediation in situations where the dispute does not meet the definition of a claim as defined in paragraph (2)(c). If the insurer desires to reject mediation, the insurer shall reference this mediation process and specify in writing to the insured and the administrator the reason(s) for the rejection. The Department shall determine whether the claim shall be mediated. The parties may elect to voluntarily mediate any dispute regardless of whether the cause of loss or policy status may be in question. In the event that the Department determines that a claim falls within the scope of this rule, the insurer shall follow the process set forth in subsection (4) above.

(6) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences.

(a) The total cost for commercial residential mediation shall not exceed \$5000, with \$300 per hour not to exceed \$4800 paid as the mediator's fee and \$200 paid as the fee of the Administrator.

(b) For two years following the declaration of a disaster, the amounts allocated to the mediator and the Administrator may be modified by the Department, but in no event will the total cost for mediation exceed those listed in paragraph (6)(a) above.

(c) Fees are payable within 21 days of billing by the Administrator. The Administrator will bill insurers separately for mediator fees and administrator fees for all mediations. The mediator's fee will be payable directly to the mediator by the insurer and the administrative fee paid to the Administrator by the insurer. All administrative fees received by the Department shall be placed in the Insurance Regulatory Trust Fund.

(d) Should a commercial residential mediation conference be cancelled for any reason by the insured or the insurer after it has been scheduled, the mediator shall be paid for all hours worked on the issue as specified in paragraph (6)(a) above and the Administrator shall be paid the entire administrative fee.

(7) Mediators.

(a) Mediator Approval. The Bureau of Agent and Agency Licensing, Department of Financial Services, shall approve as mediators those persons who meet the qualifications set forth in Section 627.745(3)(b), F.S. Persons wishing to be approved as mediators shall submit their qualifications to the Bureau of Agent and Agency Licensing, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, on Form DI4-591, "Application for Appointment as a Mediator", which is incorporated by reference in subsection 69B-211.002(30), F.A.C. For two years following the declaration of a disaster, this program may additionally utilize mediators selected from a panel of circuit court-civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators.

(b) List of Approved Mediators. The Bureau of Agent & Agency Licensing, Department of Financial Services, shall maintain a list of all approved mediators, which list shall include the mediator's name, address, telephone number, a listing of counties in which each mediator is willing to mediate, and date of entry to the list.

(c) Grouping of Assignments. Requests for mediation will, if feasible, be grouped together and assigned to a single mediator. A mediator will be assigned a maximum of four mediation conferences under a single assignment.

(d) Procedure and Conduct. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules for Certified and Court-Appointed Mediators. Mediators shall have the same responsibilities to the Department as they have to the courts under the Florida Rules for Certified and Court-Appointed Mediators. The Florida Rules for Certified and

Court-Appointed Mediators shall be read in a manner consistent with this rule and any conflict between this rule and the Florida Rules for Certified and Court-Appointed Mediators shall be resolved in favor of this rule. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this mediation program, mediators shall have the immunity from suit provided to mediators in Section 44.107, F.S. All communications with the mediator shall be confidential. All statements made and documents produced at a settlement conference constitute settlement negotiations in anticipation of litigation. The mediation proceedings are confidential and inadmissible in any subsequent adversarial proceeding.

(e) Complaints; Discipline. At any time a party may move to disqualify a mediator for good cause. Good cause consists of a conflict of interest between a party and the mediator, that the mediator is unable to handle the conference competently, or other reasons that would reasonably be expected to impair the conference. Complaints concerning a mediator shall be written and submitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Education, 200 East Gaines Street, Tallahassee, Florida 32399-4212. The Department shall review the following grounds for discipline:

1. Alleged instances of dishonest, incompetent, fraudulent, or unethical behavior on the part of a mediator;

2. Instances in which the mediator allegedly failed to promptly and completely respond to requests from the Department and instances in which the actions or failure to act on the part of the mediator violate this rule, including the standards set forth in this subsection or are counter to the intent and purpose of this mediation program or this rule;

3. Administrative action by any other agency or body against the mediator, regardless of whether the agency or body's regulation relates to mediation;

4. The mediator has been found guilty of or pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

If the Department determines that any of the above grounds exist, the Department shall institute proceedings in accordance with Chapter 120, F.S., to rescind the approval of the mediator to handle any mediation or arbitration program sponsored by the Department.

(8) Mediation Conference.

(a) Location.

1. The mediation conference shall be held at a reasonable location specified by the mediator within a reasonable proximity of the insured property, unless all parties agree

otherwise. In times of declared disaster, the Administrator shall assign the mediation location and notify the mediator of same, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

2. The Administrator shall make available various conference locations throughout the state for possible use, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

3. Before scheduling a mediation conference, the mediator may contact the Division of Consumer Services to determine the availability of office facilities to accommodate the mediation conference.

4. If the parties determine that the assigned conference location is inconvenient or impractical, the parties and mediator may agree to conduct the mediation conference at an alternative location. If the Administrator has assigned a location, the Administrator must also agree to the alternate location.

5. The mediator will notify the insured, insurer, and the Administrator in writing of the exact time, date, and location of the conference. In times of declared disaster, the Administrator shall require additional methods of communication with the insured, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

(b) Timing and Continuances. The mediation conference shall be held as scheduled by the mediator. Upon application by any party to the mediator for a continuance, the mediator shall, for good cause shown or if neither party objects, grant a continuance and shall notify all parties of the date and place of the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the party and could not reasonably be remedied by the party prior to the conference by providing a replacement representative or otherwise. Good cause shall also include the necessity of obtaining additional information, securing the attendance of a necessary professional, or the avoidance of significant financial hardship. If the insured demonstrates to the mediator the need for an expedited mediation conference due to an undue hardship, the conference shall be conducted at the earliest date convenient to all of the parties and the mediator. Undue hardship will be demonstrated when holding the conference on a non-expedited basis would interfere with or contradict the treatment of a severe illness or injury, substantially impair a party's ability to assert their position at the conference, result in significant financial hardship, or other reasonably justified grounds.

(c) Attendance.

1. The insured and the insurer shall attend the mediation conference, have full knowledge of the facts of the dispute, and be fully authorized to make an agreement to completely resolve the claim. All corporate parties who are complainants or respondents shall be represented at the conference by a corporate representative who has full knowledge of the facts of

the dispute and is fully authorized to make an agreement to completely resolve the dispute. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full value of the claim. The authority to settle the claim includes the ability to disburse the full settlement amount within 10 days of the conclusion of the conference.

2. The mediation conference also may be attended by persons who may assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters. The parties may not have separate counsel in the mediation conference unless requested by the insured or if the parties agree otherwise. If the insured elects to have an attorney participate in the conference, the insured shall notify the mediator of such participation 14 days before the conference, unless the parties agree otherwise. Upon receipt of such notice from the insured, the mediator shall provide notice to the insurer that the insured will be represented at the mediation conference.

(d) Good Faith Negotiation.

1. The participants are to negotiate in good faith to attempt to resolve the dispute, however, there is no requirement that the dispute must be resolved in mediation.

2. Parties and their representatives must refrain from turning the conference into an adversarial process. A party will be determined not to have negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(e) Pre-Conference Statement. Each party shall prepare a "mediation conference statement" which shall summarize the claim and the costs or damages sustained, identify prior demands and offers, and provide the party's assessment of a fair resolution of the claim. The statement shall identify the location of the damaged property, and the claim and policy number for the insured. The statement shall identify and provide an address and telephone number for any professional advisor who will accompany a party to the mediation conference. A copy of each party's statement shall be provided to the mediator. Such statements shall be exchanged by the parties and provided to the mediator no later than 10 days before the mediation conference.

(f) Documentation Required.

1. The representative of the insurer attending the mediation conference must bring a copy of the policy and the entire claims file to the conference. If inspection and adjustment of the property at issue may be required before the dispute between the parties can be resolved, such inspection and adjustment shall occur before the mediation conference. A failure by the insurer to inspect and adjust the property as necessary before the mediation conference shall constitute a failure to appear at the mediation conference under sub-subparagraph (9)(a)2.b., below.

2. If the insured is a condominium, cooperative, or homeowners' association, the governing board of those properties and entities created by the provisions of Chapters 718, 719 and 720, F.S., shall cause to be prepared the following documentation for review at the mediation conference:

a. A document by which the governing board for the property or entity designates an authorized representative. The document shall provide the name of the condominium or cooperative, the name of the association, the date of the meeting at which the designation was made, the name of the designated individual(s), and the authority granted to said individual(s).

b. A copy of those provisions in the governing documents for the property and entity which relate to (i) the insurance responsibilities of the entity and (ii) the responsibilities of the entity and the unit owners of the property for maintaining and repairing the property.

c. For claims where there is damage to the structure of the building or foundation, a written, expert analysis of the damage to the property consistent with the standards required in Sections 607.0830(2) and 617.0830(2), F.S.

d. A written analysis of the damage to the property that allocates the estimated damages between the individually owned parcels or units, the common elements or common areas, and the entity's property in a manner consistent with the governing documents.

(g) Disposition. Mediators shall report to the Department on the status of property insurance mediation conferences by submitting Form DFS-15-1971, "Disposition of Property Insurance Mediation Conference (rev. 10/08), which is hereby incorporated by reference, and available from the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212. If the claim is settled prior to the mediation conference being held, the insurer shall report the outcome of the issue to the mediator prior to the scheduled hearing and the mediator will submit Form DFS-15-1971 confirming the settlement. A mediation conference will not be considered complete and the Administrator will not bill the insurer until this form is submitted.

(9) Disbursement of Costs.

(a) The insurer shall pay the mediator's fee and the Administrator's fee. The Department reserves the right to reduce fees based on consumer surveys and cost analysis. All funds due the Department shall be remitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212, together with a reference to the Department's file number, the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.

1. Completed Mediation Conference. A mediation conference is considered complete once the date of the scheduled mediation has passed and disposition Form DFS-15-1971 has been received by the Administrator. A mediation conference will not be considered complete and will not be billed if it is rescheduled with the agreement of all parties as specified in paragraph (8)(b) of this rule, or if Form DFS-15-1971 is not received by the Administrator.

2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:

a. If the insured fails to appear at the conference, the conference shall be considered to have been held and the insurer must make payment in accordance with subsection (6) of this rule. If the insured wishes to schedule a new conference after failing to appear, the total cost of mediation for the new conference will be borne by the insured. The new conference shall be rescheduled only upon the insured's payment of the total cost of the mediation at the rate specified in subsection (6) of this rule.

b. If the insurer fails to appear at the conference, the insurer shall make payment for the conference in accordance with subsection (6) of this rule. If the insurer fails to appear at the conference without good cause, the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay a second total cost of mediation for the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the Department will report the failure to appear to the Florida Office of Insurance Regulation as a potential violation of Florida law. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.

(b) Any disputes regarding the amount of disbursement of funds shall be resolved by the Department.

(c) Except as provided in subparagraph (8)(a)3., any expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.

(10) Post-Mediation.

(a) At the conclusion of the mediation conference, the mediator will file with the Department the "Disposition of Property Insurance Mediation Conference," Form DFS-15-1971 indicating whether or not the parties reached a settlement. If the parties reached any settlement, then the mediator shall include a copy of the settlement agreement with Form DFS-15-1971. In the event a settlement is reached, the insured shall have 3 business days from the date of the written settlement within which he or she may rescind the settlement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and not rescinded, it shall act as a release of specific issues that were presented at the conference.

(b) Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs which would have been covered under the policy but for the release.

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

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

Rulemaking Authority 624.308(1), 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9581(1), 626.9641(1)(g), 627.7015 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Chief Counsel, Department of Financial Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

Section III Notices of Changes, Corrections and Withdrawals

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."

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.410
RULE TITLE: Voluntary Prekindergarten Program Substitute Instructors

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. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

The text of the proposed rule has been substantially revised from the previous publication and approved by the Agency Head, Interim Director Cynthia R. Lorenzo. Upon adoption, the text of the proposed rule will read:

(1) As used in this rule, the term "credentialed instructor" means a prekindergarten instructor who has the credentials required under Sections 1002.55(3)(c), 1002.55(4), or 1002.61(4), F.S.

(2) Qualifications. Voluntary Prekindergarten (VPK) substitute instructors must be of good moral character and be screened using the level 2 screening requirements in Section 435.04, F.S., before employment as a VPK substitute instructor. In addition, before employment as a VPK substitute instructor, a VPK substitute instructor must:

- (a) Meet the qualifications of a credentialed instructor; or
- (b) Successfully complete one or more of the following:

1. In a summer VPK program class:

- a. An associate's or higher degree in any field of study;
- b. A child development associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Recognition; or
- c. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the national CDA.

2. In a school year VPK program class:

- a. Any of the credentials listed in subparagraph (2)(b)1. of this rule;