

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: RULE CHAPTER TITLE:

20-9 Payment of Excise Taxes

RULE NO.: RULE TITLE:

20-9.002 Processed Form

PURPOSE AND EFFECT: Amendment updating the Conversion Unit table used for equivalent number of boxes in processed products.

SUBJECT AREA TO BE ADDRESSED: Updating the Conversion Unit table used for equivalent number of boxes in processed products.

SPECIFIC AUTHORITY: 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS.

LAW IMPLEMENTED: 601.15(5),(6), 601.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 060172-EU

RULE NOS.: RULE TITLES:

- 25-6.033 Tariffs
- 25-6.034 Standard of Construction
- 25-6.061 Relocation of Poles
- 25-6.064 Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction
- 25-6.074 Applicability

25-6.075

25-6.076

25-6.077

25-6.078

25-6.080

25-6.081

25-6.082

25-6.115

Definitions

Rights of Way and Easements

Installation of Underground

Distribution Systems Within New Subdivisions

Schedule of Charges

Advances by Applicant

Construction Practices

Records and Reports

Facility Charges for Providing

Underground Facilities of Public

Distribution Facilities Excluding

New Residential Subdivisions

PURPOSE AND EFFECT: To amend rules relating to the construction of new underground electrical transmission and distribution infrastructure, and amend rules relating to the conversion of existing overhead electrical infrastructure to underground facilities

SUBJECT AREA TO BE ADDRESSED: Underground electrical transmission and distribution infrastructure rules including conversion of overhead electrical transmission and distribution infrastructure to underground facilities.

SPECIFIC AUTHORITY: 350.127(2), 366.04, 366.04(2)(f), 366.05, 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.04(2)(f), 366.04(6), 366.041, 366.041(1)(4), 366.05, 366.05(1), 366.06, 366.06(1) FS.

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

DATE AND TIME: April 17, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD). One or more Commissioners may be in attendance at this staff workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 060173-EU

RULE NOS.:	RULE TITLES:
25-6.034	Standard of Construction
25-6.064	Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction
25-6.078	Schedule of Charges

PURPOSE AND EFFECT: To amend rules to require utilities to meet higher standards for the construction of overhead electrical transmission and distribution facilities to better withstand the effects of extreme weather events.

SUBJECT AREA TO BE ADDRESSED: Strengthening of overhead electrical transmission and distribution infrastructure to address the effects of extreme weather events.

SPECIFIC AUTHORITY: 350.127(2), 366.04(2)(f), 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.041(1)(4), 366.04(2)(f), 366.04(6), 366.05(1), 366.06(1) FS.

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

DATE AND TIME: April 17, 2006, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD). One or more Commissioners may be in attendance.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.313	Inmate Discipline – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-112F, Disciplinary Report Worksheet, to add a Prison Rape Elimination Act (PREA) tracking number to link disciplinary reports with department databases to gather data to report to the federal government in accordance with PREA requirements.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.215, 120.55, 944.09, 944.34, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (e) No change.

(f) DC6-112F, Disciplinary Report Worksheet, effective date 5-21-00.

(g) through (j) No change.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.:	RULE TITLE:
59C-1.0355	Hospice Programs

PURPOSE AND EFFECT: The agency intends to amend the rule used in certificate of need (CON) review of proposals to establish hospice programs. The proposed rule amendments amends projects subject to review, the definitions used in the current rule, the rule name, the hospice service areas, the review criteria, and the hospice utilization reporting requirements. A preliminary draft of the rule is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Definitions used in the hospice rule, the review criteria, and hospice utilization reporting.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.034(3), 408.036(1)(b)(d)(e), 408.043(2) FS.

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

DATE AND TIME: April 25, 2006, 2:00 p.m. (EST)

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0355 Hospice Programs.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), paragraphs 408.036(1)(d) and (e), and subsection 408.043(2), Florida Statutes. It is the intent of the agency to ensure the availability of hospice ~~services programs~~ as defined in this rule to all persons requesting and eligible for hospice services, regardless of ability to pay. This rule regulates the establishment of new hospice programs ~~and~~ the construction of freestanding inpatient hospice facilities as defined in this rule, ~~and a change in licensed bed capacity of a freestanding inpatient hospice facility.~~ A separate certificate of need application shall be submitted for each service area defined in this rule. Projects for a new hospice program will not be comparatively reviewed with projects for free standing inpatient hospice facilities.

Definitions.

(2)(a) through (c) No change.

(d) "Fixed Need Pool." The fixed need pool defined in ~~Rule subsection 59C-1.002(20)~~, Florida Administrative Code. The agency shall publish a fixed need pool for hospice programs twice a year.

(e) "Freestanding Inpatient Hospice Facility." For purposes of this rule, a facility that houses inpatient beds licensed exclusively to the hospice program but does not house any inpatient beds licensed to a hospital or nursing home.

(f) "Hospice." A corporation eligible for licensure as a hospice consistent with the provisions in Chapter 400, Part VI, Florida Statutes. A hospice may not provide hospice services in the state without a license as described in Chapter 400, Part VI, Florida Statutes. Hospices are licensed to serve a specified county or group of counties, and may provide hospice services in one or more of the service areas defined in this rule. A hospice licensed to serve any county in a service area may serve all other counties in that area without further certificate of need approval.

(g)(f) "Hospice Program." A program that provides hospice services as provided in Section 400.609, Florida Statutes, in one of the 27 service areas defined under this rule, described in subsections 400.601(2), 400.602(5), 400.609, and 400.6095(1), Florida Statutes, that provides a continuum of palliative and supportive care for the terminally ill patient and his family. Hospice services must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

(h) "Hospice Services." As provided in Section 400.609, Florida Statutes, hospice services include a continuum of palliative and supportive care for the terminally ill patient and their family. Hospice services must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families within the service area, and available without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

(i)(g) "Inpatient Bed." Inpatient beds located in a freestanding inpatient hospice facility, a hospital, or a nursing home and available for hospice inpatient care. Inpatient beds located in a freestanding inpatient hospice facility are licensed to the hospice. Inpatient hospice beds in a hospital are licensed to the hospital, and remain licensed as acute care beds; inpatient hospice beds in a nursing home are licensed to the nursing home, and remain licensed as skilled nursing beds.

(h) "~~Local Health Council.~~" ~~The council referenced in section 408.033(1), Florida Statutes.~~

(j)(f) No change.

(k)(f) "Residential Facility." For purposes of this rule, a facility operated by a licensed hospice program to provide a residence for hospice patients, as defined in Section 400.601(5)(4), F.S. A residential facility is not subject to regulation under this rule. Provided, however, that a proposal to convert such a residence to a freestanding inpatient hospice facility is subject to regulation under this rule.

(l)(f) "Service Area." The geographic area consisting of a specified county or counties, as follows:

1. Service Area 1 consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.
2. Service Area 2A consists of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.
3. Service Area 2B consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.
4. Service Area 3A consists of ~~Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, and Lafayette, Levy, Putnam, Suwannee, and Union~~ Counties.
5. Service Area 3B consists of Marion County.
6. Service Area 3C consists of Citrus County.
7. Service Area 3D consists of Hernando County.
8. Service Area 3E consists of Lake and Sumter Counties.
9. Service Area 3F consists of Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, and Union Counties.
10. Service Area 3G consists of Putnam County.

11. through 27. renumbered 13. through 29. No change.

(m)(f) "Terminally Ill." As defined in subsection 400.601(10)(9), Florida Statutes, terminally ill refers to a medical prognosis that a patient's life expectancy is 1 year or less if the illness runs its normal course.

(3) General Provisions.

(a) Quality of Care. Hospices ~~programs~~ shall comply with the standards for program licensure described in Chapter 400, Part VI, Florida Statutes, and Chapter 59A-2, Florida Administrative Code. Applicants proposing to establish a new hospice program shall demonstrate how they will meet the standards.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, or construction of a freestanding inpatient hospice facility, or change in licensed bed capacity of a freestanding inpatient hospice facility, shall not be approved unless the applicant meets the applicable review criteria in Sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Notification to the agency of a change in licensed bed capacity of a freestanding inpatient hospice facility is required under Section 480.036(5), F.S. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program in a service area is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) > 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice services program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$U65C = (u65c/CT) \times PT$$

$$65C = (65c/CT) \times PT$$

$$U65NC = (u65nc/CT) \times PT$$

$$65NC = (65nc/CT) \times PT$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health's ~~and Rehabilitative Services~~ Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health's ~~and Rehabilitative Services~~ Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates published by the Office of the Governor at least 3 months prior to publication of the fixed need pool.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (9) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection ~~(8)~~(9) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) through (d) No change.

(e) Preferences for a New Hospice Program. The agency shall give preference to an applicant meeting one or more of the criteria specified in subparagraphs 1. through ~~4.5~~:

1. Preference shall be given to an applicant who demonstrates ~~has~~ a commitment to serve populations with unmet needs.

2. Preference shall be given to an applicant who proposes to provide services beyond the required core services listed in 42 CFR part 418, subpart D, the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.

3. through 4. No change.

5. ~~Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.~~

(5) Consistency with Plans. An applicant for a new hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community ~~and other criteria contained in local health council plans and the State Health Plan.~~ The application for a new hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant's development of a hospice program. The applicant shall provide evidence of its ability to obtain contractual arrangements for inpatient services in acute care hospitals and skilled nursing facilities in the service area.

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

(j) Provisions for serving persons without primary caregivers at home ~~and the homeless.~~

(k) though (m) No change.

(7) Construction of a Freestanding Inpatient Hospice Facility. The agency will not normally approve a proposal for construction of a freestanding inpatient hospice facility unless the applicant demonstrates that the freestanding facility will be more cost-efficient than contractual arrangements with existing hospitals or nursing homes in the service area. The applicant must be in conformance with applicable physical plant requirements for a freestanding inpatient hospice facility. In addition to demonstrating that the project is more cost-efficient than contracting for inpatient beds in a hospital or nursing home, tThe application shall include the following:

(a) A description of any advantages that the hospice program will achieve by constructing and operating its own inpatient beds.

(b) A listing and description of eExisting contractual arrangements for inpatient care at hospitals and nursing homes including availability of such beds and evidence of the willingness of area providers to contract for inpatient hospice services; ~~or, in the case of a proposed new hospice program, contacts made with hospitals and nursing homes regarding contractual arrangements for inpatient care.~~

(c) Anticipated sources of funds for the construction.

(d) If the freestanding hospice will be located within another separately licensed healthcare facility such as a hospital or skilled nursing facility, the applicant must include evidence of compliance with Rule 58A-2.025, Florida Administrative Code, Physical Plant Requirement for an Inpatient Facility along with a copy of the proposed lease agreement.

(e) When an existing hospice program seeks to establish multiple freestanding hospice facilities that will be licensed to that hospice:

1. Evidence that services are not duplicative.

2. Evidence that inpatient beds can expect a reasonable occupancy of at least 80 percent by the second year of operation.

3. Evidence that the local community supports the establishment of the additional facility.

4. Evidence that the additional facility is not located within a 15 mile radius of an existing freestanding inpatient hospice operated by the same hospice program.

~~(8) Change in Licensed Bed Capacity of a Freestanding Inpatient Hospice Facility. A hospice program proposing to change the licensed bed capacity of its freestanding inpatient hospice facility shall indicate in its application:~~

~~(a) The annual occupancy rate for the freestanding inpatient hospice facility beds for the most recent 12-month period preceding the application submission.~~

~~(b) The extent to which the number of contracted beds in hospitals and nursing homes will be modified as a result of the change in licensed capacity of the freestanding inpatient hospice facility.~~

~~(8)~~(9) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. The July report shall indicate the number of new patients admitted during the 6-month period by zip code location composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall indicate the number of new patients admitted during the 6-month period by zip code location composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. Each hospice program shall submit a report for a single hospice planning area. A

hospice program serving more than one planning area may not submit a report containing combined data. The following detail shall also be provided.

(a) through (b) No change.

~~(9)(10)~~ Grandfathering Provisions. A hospice program licensed as of the effective date of this rule is authorized to continue to serve all counties in the service area where its principal place of business is located. A hospice program whose certificate of need or current license permits hospice services in a county or counties in an adjacent service area may continue to serve those adjacent counties. Any expansion to provide service to other counties in an adjacent service area is subject to regulation under this rule.

Specific Authority 408.15(8), 408.034(6)(3), ~~(5)~~ FS. Law Implemented 408.034(3), 408.035, 408.036(1)(c), (e), (f), 408.043(2), 400.606(4), (5) FS. History—New 4-17-95, Amended 7-30-95, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.230
 RULE TITLE: Physician Services
 PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2006. The handbook was revised to include references to the Physician Services Fee Schedule, which is available on the Medicaid fiscal agent’s website, and update physician services policies. The effect will be to incorporate the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2006, in rule.
 SUBJECT AREA TO BE ADDRESSED: Physician Services.
 SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.
 DATE AND TIME: Tuesday, April 18, 2006, 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eleanor Cofer, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7331
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.
 (1) No change.
 (2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations

Handbook, January ~~2006~~ 2004, updated January ~~2005-1,~~ and January ~~2005-2,~~ and January 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.
 (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, 8-31-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER NO.: 61A-1
 RULE CHAPTER TITLE: Definitions
 RULE NO.: 61A-1.010
 RULE TITLE: Approved Advertising and Promotional Gifts
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions and define terms relating to the regulation of alcoholic beverage sales. The rule shall clarify and redefine approved advertising and promotional gifts.
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions and terms defining the sales of alcoholic beverages. The rule will be updated to reflect the Division’s current definition of approved advertising and promotional gifts.
 SPECIFIC AUTHORITY: 561.11 FS.
 LAW IMPLEMENTED: 561.08, 561.42 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. (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):
 DATE AND TIME: Wednesday, May 31, 2006, The workshop will commence at 10:00 a.m. and continue until all business is exhausted or until 5:00 p.m., whichever comes first
 PLACE: Division of Alcoholic Beverages and Tobacco Conference Room, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Christina Norman, Senior Attorney, Department of Business

and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: RULE TITLE:

61B-23.0029 Electronic Transmission of Notices

PURPOSE AND EFFECT: The 2003 Legislature enacted changes to the Condominium Act (Chapter 718, Florida Statutes) that permits the use of electronic transmission for purposes of noticing elections and certain meetings with the prior consent of unit owners. The new rule defines "electronic transmission," provides for the association's adoption of bylaws for the electronic notice of meetings and for providing notice when it decides to stop noticing meetings by electronic transmission, describes the method by which unit owners may consent and revoke consent, delivery of notices and attachments, receipt of an electronic transmission, and provides that electronic addresses and other information is part of the association's official records unless the owner has revoked consent to the use of electronic transmissions.

SUBJECT AREA TO BE ADDRESSED: Noticing condominium elections and meetings through the use of electronic transmission.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.112(2)(d)3. FS.

LAW IMPLEMENTED: 718.111(12)(a)7., 718.112(2)(c), 718.112(2)(d)2., 718.112(2)(d)3., 718.112(2)(d)5., 718.112(2)(e) FS.

IF REQUESTED 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: April 17, 2006, 10:00 a.m.

PLACE: Conference Room, Suite 16, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior

Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

<http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-16.0031 Practical Examination for Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The Board proposes to reconsider the procedure for filing examination results.

SUBJECT AREA TO BE ADDRESSED: Procedure for filing examination results.

SPECIFIC AUTHORITY: 255.217(1), 489.108, 489.133(6) FS.

LAW IMPLEMENTED: 289.115, 455.217(1), 489.109, 489.113(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-8.002 Special Assessment Fee

PURPOSE AND EFFECT: The Board proposes to create the rule in order to establish the special assessment fee.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee.

SPECIFIC AUTHORITY: 455.219(2), 489.507(3) FS.

LAW IMPLEMENTED: 455.219(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-8.002 Special Assessment Fee.

(1) In order to eliminate the current cash deficit in the operating funds of the Board and to maintain the Board's financial integrity, each active and voluntary inactive license, including all certified or registered electrical contractors, who received their initial license or registration prior to the effective date of this rule shall pay a one-time special assessment fee of twenty-five dollars (\$25.00) no later than 5:00 p.m. on August 31, 2006.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 489.533(1)(o) and 455.227(1)(k) and (q), F.S.

Specific Authority 455.219(2), 489.507(3) FS. Law Implemented 455.219(2) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE NO.: RULE TITLE:
61K1-1.001 Purpose, Applicability and Scope of Rules

PURPOSE AND EFFECT: This technical change to Rule 61K1-1.001 updates the rule to reflect a statutory change.

SUBJECT AREA TO BE ADDRESSED: Boxing, Kickboxing, and Mixed Martial Arts.

SPECIFIC AUTHORITY: 548.003, 548.006 FS.

LAW IMPLEMENTED: 548.004, 548.006, 548.007, 548.061 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles F. Tunncliff, Chief Professions Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-3.001 Definitions

PURPOSE AND EFFECT: To provide accurate definitions.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 457.102, 457.104 FS.

LAW IMPLEMENTED: 457.102 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-3.001 Definitions.
(1) through (5) No change.

(6) Acupuncture physician means any person that uses a specific and distinct method of diagnosis and treatment based on the principles of oriental medicine certified as provided in this chapter to practice acupuncture as a primary health care provider.

Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History--New 8-13-84, Amended 9-19-84, Formerly 21AA-3.01, Amended 12-14-87, 9-3-89, 5-30-91, 1-26-92, 2-27-92, Formerly 21AA-3.001, 61F1-3.001, 59M-3.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-9.005 Descriptive Terms for Advertising

PURPOSE AND EFFECT: To address permitted advertising.

SUBJECT AREA TO BE ADDRESSED: Advertising terms.

SPECIFIC AUTHORITY: 457.104, 457.116(1)(b) FS.

LAW IMPLEMENTED: 457.116(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-9.005 Descriptive Terms for Advertising Definitions.

In order to distinguish from other professions and to ensure public safety the following are permitted terms for use in advertising As used in Section 457.116(1)(b), F.S., the following terms shall mean:

- (1) L.Ac. – Licensed Acupuncturist.
- (2) R.Ac. – Registered Acupuncturist.
- (3) A.P. – Acupuncture Physician.
- (4) D.O.M. – Doctor of Oriental Medicine.

Specific Authority 456.072, 457.104, 457.109, 457.116(1)(b) FS. Law Implemented 456.072, 457.109, 457.116(1)(b) FS. History–New 4-25-00, Amended _____.

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-5.009
 RULE TITLE: Supervision by Disciplined Practitioner

PURPOSE AND EFFECT: The Board proposes to revise the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Supervision by Disciplined Practitioner.

SPECIFIC AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor.”

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Marriage and Family Therapist with at Least Five Years Experience, or the Equivalent, Who is a Qualified Supervisor.”

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definition of "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor."

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

RULE NO.: 69C-6.003
RULE TITLE: The Plan; Prescribed Forms

PURPOSE AND EFFECT: This rule amendment revises the Deferred Compensation Plan document and adopts a revised Deferred Compensation Investment Policy and Product Selection and Retention Policy. The changes to the Plan are as follows:

- (1) The definition of UNREDUCED BENEFITS is changed to fit the ORP and PEORP which do not have a defined benefit calculation.
- (2) Section 3.06 is amended to reflect the IRS policy that employment with another employer cannot be used to calculate a catch-up contribution.
- (3) Section 3.08 is added to provide for the payment of excess contributions to the participant.
- (4) Section 5.08 is added to explicitly allow investment providers to impose reasonable limitations to limit frequent trading of mutual funds.
- (5) Foreclosure upon real property is added as an unforeseeable emergency to conform to federal regulation.
- (6) Separation is added to divorce or dissolution of marriage as not constituting an unforeseeable emergency.
- (7) A simplified process for an unforeseeable emergency withdrawal for up to \$1500 for damage due to a disaster such as a hurricane is provided.
- (8) Several other minor edits and clarifications are made that do not have a significant substantial effect.

The Deferred Compensation Investment Policy and Product Selection and Retention Policy is changed with regard to the standards for the retention of mutual funds in the program.

The rule is also revised to incorporate up to date versions of applicable federal law.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Deferred Compensation Plan and the adoption of the Deferred Compensation Investment Policy and Product Selection and Retention Policy.

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 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: April 18, 2005, 2:00 p.m.

PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3162

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form DFS-J3-1176 (rev. 11/05 ~~4/04~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) The forms listed below are incorporated into and made a part of this rule chapter by reference and shall take effect on the effective date of this rule. The forms can be obtained from investment providers servicing the plan. A listing of authorized investment providers can be obtained from the Deferred Compensation Section, Division of State Treasury, 200 East Gaines Street, Tallahassee, Florida 32399-0346.

(a) Form DFS-J3-1163 (rev. 8/03) Participant Action Form

(b) Form DFS-J3-1164 (rev. 8/03) Enrollment Information Form

(c) Form DFS-J3-1165 (rev. 7/03) Company to Company Transfer and/or Replacement Authorization

(d) Form DI4-1166 (rev. 1/02) Company to Company Transfer Invoice

(e) Form DI4-1169 (rev. 1/02) Plan to Plan Transfer Invoice

(f) Form DI4-1152 (rev. 1/02) Application to Participate in the Standard Catch-Up Provision

(g) Form DI4-1171 (rev. 1/02) Request for Unforeseeable Emergency Withdrawal

(h) Form DI4-1172 (rev. 1/02) Request for Distribution

(i) Form DI4-1174 (rev. 1/02) Commonly Asked Questions with Answers

(j) Form DI4-1175 (rev. 1/02) Forms Procedures

(k) Form DI4-1525 (rev. 1/02) Purchase of Prior Service Credits

(l) Form DI4-1526 (rev. 1/02) Rollover Form

(m) Form DFS-J3-1541 (rev. 10/05 ~~06/04~~) Investment Policy and Product Selection and Retention Policy

(3) The State of Florida Employees Deferred Compensation Plan shall be construed to conform to the requirements of 26 USC 457 (2005 ~~2004~~ USCA Cumulative Annual Pocket Part Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1), which is hereby incorporated by reference into this rule.

(4) The following portions of the Internal Revenue Code and Code of Federal Regulations are also hereby incorporated by reference;

(a) 26 USCA 401 (2001 Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);

(b) 26 USCA 403(b) (2001 USCA Cumulative Annual Pocket Part Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);

(c) 26 USCA 911 (2002 ~~2001~~ Supplementary Pamphlet);

(d) 26 CFR 1.457-2 (August 27, 2003 ~~April 1, 2004~~).

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-11-02, Formerly 4C-6.003, Amended 8-26-04,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-2.003	Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

PURPOSE AND EFFECT: The rule establishes a mediation program for the resolution of disputed residential insurance claims resulting from the 2004 and 2005 hurricanes and tropical storms that hit the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The rule requires insurers to notify 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.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS.
LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 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: April 20, 2006, 9:30 a.m.
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-2.003 Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S., by setting forth a mediation procedure prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to residential property caused by the hurricanes and tropical storms during the 2004 and 2005 hurricane seasons (June 1 to November 30 of each year). The procedure established by this rule is available to those first party claimants who have personal lines claims resulting from damage to residential property occurring 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.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

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

(b) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. 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, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect 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.

(c) "Department" means the Department of Financial Services or its designee. Reporting to the Department shall be directed to: Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212; or by facsimile to (850)488-6372.

(d) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be 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 or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

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

(3) Notification of Right to Mediate.

(a) The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies the insured that a claim has been denied in whole or in part, the insurer shall mail a notice of the right to mediate disputed

claims to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the insured's deductible.

(b) 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, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted an emergency rule to facilitate the fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The emergency 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 21 days after the date of this notice by calling the Department of Financial Services at 1(800)227-8676 (1(800)22-STORM)."

(c) The notice shall also:

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

2. State that the parties have 21 days from the date of the notice within which to settle the claim before the insured may request mediation;

3. Include the insurer's address and phone number for requesting additional information; and

4. State that the Department or the Administrator will select the mediator.

(4) Request for Mediation.

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(800)22-STORM (1(800)227-8676); by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, 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 fax the request to the Mediation Section within 48 hours of receipt of the request. The Department will forward requests to the Administrator within 24 hours of receipt of the requests. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. The insured should provide the following information if known:

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

2. The claim and policy number for the insured;

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

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

5. 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.

(b) By an Insurer. An insurer may request mediation by faxing a written request to the Department at (850)488-6372. 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 subsection (4)(a). Mediation requests by insurers will be processed by the Department and Administrator in the same manner as mediation requests by insureds.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences. Mediation costs shall include the administrative fee and the mediator's fee. Within 5 days of receipt of the request for mediation or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee of \$350 to the Administrator to defer the expenses of the Department. This amount includes the mediator's fee.

(6) Requirements for Insurers.

(a) The representative of the insurer attending the conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer attending the conference must know the facts and circumstances of the claim and be familiar with of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim or lacks the ability to disburse the settlement amount at the conclusion of the conference.

(b) 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 scheduled 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 subsection (8) below. A refusal by the insured to allow the insurer's representative onto the property at issue to conduct such an inspection or adjustment shall not be considered a failure to appear at the mediation conference.

(7) Scheduling of Mediation Conference. The Administrator will select a mediator and schedule the mediation conference. The Administrator will attempt to facilitate reduced travel and expenses to the parties and the mediator when selecting a mediator and scheduling the mediation conference. The Administrator shall confer with the mediator and all parties prior to scheduling a mediation conference. The Administrator shall notify each party in writing of the date, time, and place of the mediation conference at least 10 days prior to the date of the conference and concurrently send a copy of the notice to the Department. The insurer shall notify the Administrator as soon as possible after the settlement of any claim that is scheduled for mediation pursuant to this rule.

(8) Conduct of the Mediation Conference.

(a) It is not necessary to engage a private attorney to participate in the mediation conference. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not 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 administrative fee imposed in subsection (5) for any rescheduled mediation conference.

(b) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjustors, appraisers, or contractors, to address the mediator. 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 be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section 44.107,

F.S. All statements made and documents produced at a mediation conference shall be deemed settlement negotiations in anticipation of litigation.

(c) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, the inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(d) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the administrative fee imposed in subsection (5) for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the administrative fee imposed in subsection (5) whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), F.S.

(9) Post Mediation. If the parties reached a settlement, the mediator shall provide a copy of the executed settlement agreement to the Department and the Administrator within 5 days of the conclusion of the conference. Mediation is non-binding. However, if a settlement is reached, the insured shall have 3 business days starting after the date of the mediation conference within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this mediation program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under

the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

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

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

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

(14) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031 or 69J-2.001, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the procedures for the Division's online grant and information services system; amend existing language for clarity; add Rural Economic Development Initiative (REDI) language; and delete programs no longer in existence.

SUMMARY: The proposed rule describes the procedures for online and website application and administration; adds REDI language to the rule, and deletes non-existent programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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