

(3) In all limited partnership offerings, the following will be acceptable in lieu of a 15% ratio of equity investment:

(a) In order that a general partner(s) be sufficiently capitalized to indicate the ability to perform the commitments which are made in regard to such programs, the net worth of the individual general partner(s), excluding home, home furnishings and automobile or the net worth of the corporate general partner(s), must be equal to 15% of the aggregate amount of limited partnership interests to be sold with a maximum net worth requirement of \$250,000. The net worth of a general partner(s) shall be revealed by a balance sheet prepared by an independent certified public accountant in accordance with United States generally accepted accounting principles as prescribed in Rule 69W-300.002, F.A.C. The general partner(s) shall make a direct investment, net of commissions, in the limited partnership(s) equal to 5% of the aggregate amount of limited partnership interests to be sold with a maximum participation requirement of \$100,000. The required participation may be reduced by 10% of the general partner(s) net worth in excess of the amount required.

(b) through (d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--(Formerly 3E-20.03), New 9-20-82, Formerly 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-14.002 Electronic Documents

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.002, F.A.C., is to allow for electronic filing of surety bonds.

SUMMARY: Rule 5J-14.002, F.A.C., sets material terms for electronic filing of surety bonds pertaining to game promotions.

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

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

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) FS.

IF REQUESTED WITHIN 21 DAYS 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: January 16, 2007, 10:00 a.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500. Phone (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.002 Electronic Documents.

For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a surety bond electronically, pursuant to Chapter 668, F.S.

(1) A surety bond with an electronic signature shall not be accepted by the Department unless the surety bond expressly states that the surety is subject to valid claims submitted by or through the Department in accordance with Section 849.094, F.S.

(2) When necessary for the filing or enforcing of claims by the Department against surety bonds submitted electronically in accordance with Chapter 668 and Section 849.094, F.S., the Department shall use a printed copy of the electronically filed bond.

(3) By filing electronically, the operator of a game promotion agrees to conduct all transactions with the Department pursuant to Chapter 668, F.S.

(4) For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a Durable Power of Attorney with an electronic signature;

(5) A Durable Power of Attorney with an electronic signature may be applied to subsequent game promotions as long as the Durable Power of Attorney expressly states that it encompasses the subsequently filed promotions. The Durable Power of Attorney shall remain in effect until the Department receives cancellation in writing or through electronic means.

Specific Authority 849.094(8) FS. Law Implemented 849.094(4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9K-7	Florida Forever Program
RULE NOS.:	RULE TITLES:
9K-7.002	Definitions
9K-7.003	General Requirements and Eligibility Standards
9K-7.004	Submission of Application and Application Materials
9K-7.007	Project Evaluation Criteria
9K-7.008	Ranking and Selection of Applications
9K-7.010	Modification to Expand the Project Boundary
9K-7.011	Preparation and Acceptance of the Management Plan
9K-7.013	Annual Stewardship Report Requirement

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 9K-7, F.A.C., establishes the Florida Communities Trust (FCT) project application and selection process and management requirements for land acquisition grants using Florida Forever funds. The proposed changes to Rule Chapter 9K-7, F.A.C., serve to clarify and add definitions, add, delete and modify certain general requirements and eligibility standards, add, delete and modify project evaluation criteria, and modify management plan requirements. The purpose of the program described in this rule chapter is to provide grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, natural resources conservation areas, parks, greenways and outdoor recreation areas to further implementation of their local comprehensive plans.

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

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

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 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: January 16, 2007, 2:00 p.m.

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, (850)922-2207, SUNCOM 291-1747, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, S/C 291-1747

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-7.002 Definitions.

(1) through (9) No change.

(10) "Ecological Corridor" means a natural or open space corridor that connects Natural Communities to provide, enhance and protect wildlife habitat and biodiversity.

~~(11)(10)~~ No change.

(12) "Florida National Scenic Trail" (Florida Trail) means a National Scenic Trail designated by U.S. Congress in 1983. Primarily a hiking trail, it is a recreational trail, greenway and ecological corridor extending approximately 1,400 miles through the state. The trail is recognized as Florida's official statewide, non-motorized trail in Section 260.012(6), F.S. The Federal Administrator of the Trail, the USDA Forest Service, assisted by the Florida Trail Association, has identified a proposed route for the trail in the publication "Preferred Routing of the Florida National Scenic Trail".

(11) through (15) renumbered (13) through (17) No change.

~~(16) "Inholding" means a parcel(s) that is within or adjacent to publicly owned conservation or recreation lands that when acquired will assist in completing the overall project boundary and improve management of the adjacent publicly owned lands. The parcel(s) is relatively small in comparison with the overall publicly owned lands.~~

(17) through (35) renumbered (18) through (36) No change.

(37) "Recreational Trail" means a linear land-based corridor for recreation purposes which may include, but not limited to, bicycling, walking, running, skating, and horseback riding. A Recreational Trail consists of a trail separated from the road and does not include sidewalks or bike lanes on the road.

~~(38)(36)~~ “Recreational Trail System” means a network of Recreation Trail(s) land-based trails and adjacent support parcels connecting parks, schools, residential and commercial or retail areas for recreation and authorized alternative modes of transportation such as bicycling, walking, running, skating, and horseback riding. A Recreational Trail System shall consist of trail separated from the road with occasional limited use of sidewalks that make critical connections within the system. ~~and shall not include sidewalks or bike lanes on the road.~~

(37) through (39) renumbered (39) through (41) No change.

(42) “State Designated Paddling Trail” means a mapped paddling trail that has been officially designated by the State Legislature or the Office of Greenways and Trails.

(40) through (43) renumbered (43) through (46) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 5-27-01, Amended 5-20-02, 2-7-05, _____.

9K-7.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust.

(1) Application Form. Application Form FCT-4 (effective _____), incorporated herein by reference, FCT-3 (eff. 2-21-05) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FCT-4 FCT-3. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207 (SunCom 292-2207).

(2) through (4)(b) No change.

(5) Current Applications: If any Applicant has three or more active Grant Contracts at the time of the project selection meeting, the Applicant shall not be funded for additional grant Applications until the Applicant has closed out one or more of the active Grant Contracts so that there are no more than two active Grant Contracts ~~one or more of the active Grant Contracts are closed.~~

(6) Limitation of Awards.

~~(a)~~ The total amount of any Award or combination of Awards applied for by any Local Government(s) or Nonprofit Environmental Organization(s) under any Application(s) or Partnership Application(s) for any project(s) shall not exceed ten percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle. In no case shall any Applicant be awarded more than \$10 million during any one cycle. All award(s) for Partnership Applications shall, for purposes of

calculation of award limitations, be divided equally among the Local Government(s) or Nonprofit Environmental Organization(s), ~~or;~~

~~(b) Any Applicant that submits only one application for a preacquired project may apply for up to fifteen percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle.~~

(7) Match Requirement. All Local Governments shall provide a minimum of 25 percent match toward the Project Costs, including:

(a) Partnership Applications between Local Governments (other than a small Local Government as defined in subparagraph 9K-7.003(7)(4)(c)1., F.A.C., below) and Nonprofit Environmental Organizations shall be required to provide a Match.

(b) Partnership Applications between two or more Local Governments shall be required to provide a Match unless all of the Local Governments are small Local Governments as defined in subparagraph 9K-7.003(7)(4)(c)1., F.A.C., below.

(c) through (8) No change.

(9) Site Acquisition. The Acquisition of a Project Site shall take place under one of the following procedures:

(a) For a Project Site that consists of ten five (5) or fewer ownerships to be jointly acquired with the Trust, the Recipient may request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

(b) For a Project Site that consists of eleven six (6) or more ownerships to be jointly acquired with the Trust, the Recipient shall be required to act as the party responsible for the Acquisition activities.

(c) If the Trust determines that the Recipient does not have the necessary expertise or qualifications to be able to timely negotiate the acquisition of the project site, the Trust shall act as the party responsible for the Acquisition activities.

(10) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.505-.515 FS. History–New 5-27-01, Amended 5-20-02, 2-7-05, _____.

9K-7.004 Submission of Application and Application Materials.

(1) through (5) No change.

(6) All applications must be submitted on Application Form FCT-4 (effective), incorporated herein by reference FCT-3;

(7) The following exhibits shall be provided:

(a) through (m) No change.

(n) If the Applicant is a Nonprofit Environmental Organization which anticipates being designated as the management entity pursuant to subsection 9K-7.003(7), F.A.C., evidence that the Nonprofit Environmental Organization has the financial resources, including documentation that they have commitments in an amount equal

to ten percent of the project cost to be set aside as a management endowment fund, background qualifications and competence existing to manage the Project Site in perpetuity or in cooperation with a Local Government as outlined in subsection 9K-7.003(7), F.A.C.

(o) If applicable, a signed statement from the owner(s) of ~~each parcel the top priority parcels referenced in subsection 9K-7.004(7), F.A.C.,~~ indicating their willingness to consider an offer to purchase their parcel(s).

(p) If a Project Site is Pre-acquired, the applicant shall provide copies of a signed closing statement for each Pre-acquired parcel. If a closing statement is not available at the time of the application submittal then a copy of the contract for each of the Pre-acquired parcels shall be provided and a copy of the closing statements shall be provided within 14 days after the application deadline. Provide a statement that neither condemnation nor the threat of condemnation was used in the purchase of the property.

(8) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, _____.

9K-7.007 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and in Application Form FCT-4 (effective), incorporated herein by reference FCT-3. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust staff on an application-by-application basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion.

(1) Furtherance of specified general standards (points may be awarded based on the following criteria):

~~(a) Designation of Parcels:~~

~~1. Partially Pre-acquired. A portion of the Project Site has been acquired by the Applicant through a voluntarily negotiated transaction within 24 months prior to the Application deadline (5 points).~~

~~(a)2-~~ Pre-acquired. The entire Project Site has been acquired by the Applicant through a voluntarily-negotiated transaction within 24 months prior to the Application deadline (10 points).

(b) Phased Project. The proposed project is a continuation of a previous project that was acquired with selected for Trust funding such that it constitutes a Phased Project (5 points).

(c) Providing a greater share of the Match. The Applicant is committed to:

1. Provide a Match between 40 percent to 49 percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match between 10 percent and 19 percent of the Project Costs (10 points); or

2. Provide a Match between 50 percent to ~~59~~ 54 percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants a Match between 20 percent and 29 percent of the Project Costs (20 points); or

3. Provide a Match for ~~60~~ 55 percent or more of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match for 30 percent or more of the Project Costs (25 points).

(d) No prior funding. This is the Applicant’s first Application to the Trust, or the Applicant has previously submitted an Application that was either not funded or but was not funded but not acquired (5 points).

(e) No change.

~~(f) Inholdings. The proposed project acquires inholdings within or adjacent to existing publicly owned conservation or recreation lands (5 points).~~

~~(g) Neighborhood access. The project site is accessible by an existing sidewalk or will be connected to an adjacent sidewalk within the next 2 years (5 points).~~

(2) Furtherance of Outdoor Recreation, natural and cultural resources (points may be awarded based on the following criteria):

(a) through 1. No change.

2. Provides land-based nature, bike, equestrian or multi-use trails that are at least one-quarter mile in length Provides two (2) or more resource based Outdoor Recreation facilities, such as a nature trail, picnic pavilion, fishing pier, wildlife observation platform, canoe dock, or camping area (5 points);

3. Provides Outdoor Recreation Facilities such as picnic pavilions, fishing piers, wildlife observation platforms, playgrounds, basketball courts, or volleyball courts;

a. Provides two or three recreation facilities (5 points); or

b. Provides four or more recreation facilities (10 points);

~~Provides two or more user-oriented Outdoor Recreation facilities on the Project Site or on adjacent publicly owned lands within 1,000 feet of the Project Site, such as playgrounds, basketball courts, tennis courts, bocce ball courts, shuffleboard courts, or volleyball courts (5 points);~~

4. Provides access facilities to an existing open water shoreline or beach, such as a fishing pier, observation platform, dock or dune walkover, and managed for recreational uses (5 points);

5. No change.

a. No change.

b. Within an Urban Service Area and is also within one-half mile of a built-up commercial; or industrial high density mixed-use Urban Area (5 points);

~~e. Within an Urban Service Area and is also within a built-up commercial, or high density mixed-use Urban Area (5 points).~~

(b) Connectivity Providing Greenway Systems. The Project Site provides for new or enhanced connections to neighborhoods, recreational opportunities or natural areas ecological corridor or land-based Recreational Trail Systems (points may be awarded based on the following criteria):

1. Will be connected to neighborhoods by an existing or proposed sidewalk(s) Provides new or enhanced land-based nature, bike or equestrian trails that are at least one quarter mile in length (5 points);

2. The project site is adjacent to or includes a Recreational Trail that Enhances or connects to an existing local, regional or statewide land-based Recreational Trail Systems or the Preferred Routing corridor of the Florida National Scenic Trail (5 points);

3. Enhances or connects existing local, regional or statewide Ecological Corridors network of existing ecological corridors (5 points);

4. Furthers a locally-adopted Ecological Corridor ecological corridors or land-based Recreational Trail System plan (5 points);

5. Enhances a State Designated Paddling Trail by providing facilities, including a paddling trail sign, canoe/kayak launch, and restrooms (5 points).

(c) Providing educational opportunities. The Project Site provides for environmental or historical educational opportunities (points may be awarded based on the following criteria):

1. Provides interpretive kiosk or interpretive signs that educates visitors about the natural environment or unique history of the area Project Site (5 points);

2. through (d)1. No change.

2. Contains a Locally Significant Natural Area as identified by the Florida Natural Areas Inventory habitat identified by the Florida Natural Inventory as a Priority 1 or 2 habitat area as shown on the FNAI Potential Habitat for Rare Species map (5 points);

3. through 4. No change.

(e) Vegetative enhancement Landscaping or restoration. The Project Site provides for new or enhanced landscaping or restoration (points may be awarded based on the following criteria):

1. Invasive exotic vegetation will be removed from the project site Degraded or altered areas on the Project Site will be landscaped with native vegetation (5 points);

2. A significant portion of the uplands area on the Project Site will be planted with native vegetation Degraded or altered upland communities on the Project Site will be restored as a Natural Community (5 points);

3. A significant portion of the wetland area on the Project Site will be planted with native vegetation Degraded or altered wetland communities on the Project Site will be restored as a Natural Community (5 points).

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria):

1. The ~~proposed~~ project will improve the quality of surface waters or address current flooding problems occurring on, adjacent or in close proximity to the Project Site by installing stormwater facilities that provide wildlife habitat and/or open space in a park like setting (5 points);

2. No change.

3. The ~~proposed~~ Project Site will protect Class I Waters as identified by the Department of Environmental Protection, or the Project Site is located within a locally-designated wellfield protection zone (5 points).

(g) Historical resources. The Project Site protects or enhances enhanced historic resources (points may be awarded based on the following criteria):

1. through 3. No change.

(3) Furtherance of Community Planning (points may be awarded based on the following criteria):

(a) Local Comprehensive Plan. Acquisition of the Project Site will assist the Local Government in furthering the Local Comprehensive Plan directives. When used in this part, the term "furthered" means that proposed project(s) will assist the Local Government in realizing the objectives or policies of the Local Comprehensive Plan. For each criterion that is furthered by an objective or policy of the Local Comprehensive Government Plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as provided in this rule chapter. If the Project Site is located entirely in one jurisdiction, the Local Comprehensive Plan of the jurisdiction shall be evaluated for scoring purposes. If the Project Site is located in two or more jurisdictions, the Local Comprehensive Plan of either each jurisdiction shall be compared for compatibility and evaluated for scoring purposes and if either jurisdiction's Local Comprehensive Plan is furthered then points shall be awarded. Points may be awarded based on the following criteria:

1. Provides acreage or outdoor recreational facilities necessary to maintain or improve adopted levels of service standards for recreation or open space (5 points);

2. No change.

3. Provides new or enhanced public access to existing water bodies or saltwater beaches (5 points);

4. Provides for new or enhanced Greenways, Ecological Corridors or Recreational Trail Systems (5 points);

5. No change.

6. Provides for coordination between the Local Government(s) and other federal, state and local agencies or non-profit organizations in managing natural areas or open space or furthering the completion of the Florida National Scenic Trail (5 points);

7. No change.

8. Ensures the protection or enhancement of surface water or groundwater quality by addressing non-point pollution through enhanced stormwater treatment (5 points);

9. through (b)1. No change.

(b) through 1. No change.

~~2. Is located within an area identified in the County's adopted Local Mitigation Strategy as a mitigation priority (5 points).~~

~~2.3. Provides recreational opportunities or open space areas within a state-designated brownfield "~~brownfield~~" area (5 points).~~

(c) Priority investment areas and special state-designated areas. The Project Site will provide new or enhanced Outdoor Recreation or open space within an identified priority investment area or other special state-designated area targeted for investment or redevelopment (points may be awarded based on the following criteria):

1. Within an area designated as a "Front Porch Community" (~~10~~ 5 points);

2. Within an area designated as an active "Florida Main Street Community" (~~10~~ 5 points);

~~3. Within an area designated as an "Eastward Ho! Corridor" under Executive Order 94-54 (5 points).~~

~~3.4. Within an area designated as a current or previously designated "Waterfront Florida Community" (~~10~~ 5 points);~~

~~4.5. Within an area defined as a "Low-Income Community" under Rule 9K-7.002, F.A.C. (~~10~~ 5 points);~~

~~5.6. Within an area designated as a "Rural Area of Critical Economic Concern" (~~10~~ 5 points);~~

~~6.7. Within the boundary of a locally designated Community Redevelopment Area ~~urban infill, urban redevelopment or downtown revitalization area~~ as defined in Section ~~163.340~~ ~~163.3164~~, F.S. (~~10~~ 5 points);~~

~~7.8. Within a designated or previously designated "Area of Critical State Concern" under Section 380.05, F.S. (~~10~~ 5 points).~~

~~9. Within an area subject to an adopted rate of growth ordinance, that has been approved by the Department of Community Affairs (5 points).~~

~~10. Within or adjacent to a state or federally designated area, not identified elsewhere in the Application criteria, that is intended to protect or restore natural resources, such as a spring protection zone, the Aquatic Preserve, the National Estuarine Research Reserve National Estuary Program, the Marine Sanctuary, and the American Heritage River boundaries (5 points).~~

(4) The proposed project furthers and exemplifies "project excellence." Up to 10 points, based on issues that support the goals of the Trust, but such issues are not adequately addressed by the evaluation criteria established in this rule such as whether the proposed project exhibits strong community-based support, possesses exemplary characteristics, exemplifies regional cooperation between local governments, assists an otherwise disadvantaged community, or voluntarily helps resolve land use conflicts.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History-New 5-27-01, Amended 5-20-02, 2-7-05, _____.

9K-7.008 Ranking and Selection of Applications.

(1) Evaluation Report. After a period for review, not to exceed 120 ~~90~~ calendar days from the Application deadline, the Trust staff shall prepare a written evaluation report, based on information provided in the Application, to the Governing Board. Staff shall also provide a copy of the evaluation report to the Applicant prior to the Governing Board meeting provided for in subsection 9K-7.008(2), F.A.C.

(2) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History-New 6-25-01, Amended 5-20-02, _____.

9K-7.010 Modification to Expand the Project Boundary.

Modifications to expand the boundary of a Project Site selected for approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Contract. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Trust based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History-New 6-25-01, Amended 5-20-02, 2-7-05, _____.

9K-7.011 Preparation and Acceptance of the Management Plan.

(1) No change.

~~(2) If the Recipient is not the proposed managing entity, the Management Plan must include a signed agreement between the Recipient and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05,_____.

9K-7.013 Annual Stewardship Report Requirement.

(1) through (2)(a)4. No change.

(b) Upon the Trust's acceptance of the Recipient's statement of completion, and timely submission of three consecutive stewardship reports that have met the requirements of this rule chapter, the Trust may suspend the stewardship report requirement if the Recipient has demonstrated that the terms and conditions of the Declaration of Restrictive Covenants and the approved Management Plan made are being followed. After suspension of the stewardship report requirement, if the Trust finds that the terms and conditions of the Declaration of Restrictive Covenants are not being followed, the stewardship report requirement shall be reimposed ~~for an additional two years.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Reecy, Community Program Manager, Florida Communities Trust

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thaddeus L. Cohen, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9K-8 Land Acquisition Procedures

RULE NOS.: RULE TITLES:

9K-8.002 Definitions

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title

9K-8.007

Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 9K-8, F.A.C., establishes the Florida Communities Trust (FCT) land acquisition procedures using Florida Forever funds. The proposed changes to Rule Chapter 9K-8, F.A.C., further serve to clarify terminology relating to these land acquisition procedures. The purpose of the program described in this rule chapter is to provide grants to Local Governments and Nonprofit Environmental Organizations for the acquisition of community-based projects, urban open spaces, natural resources conservation areas, parks, greenways, and outdoor recreation areas to further implementation of their local Comprehensive Plans.

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

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

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

IF REQUESTED WITHIN 21 DAYS 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: January 16, 2007, 2:00 p.m.

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)922-2207, SUNCOM 291-1747, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, S/C 291-1747

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.002 Definitions.

The definitions set forth in Rule 9K-7.002, F.A.C., shall apply as used in this rule chapter and are incorporated herein by reference. Additionally, the following definitions shall apply as used in this rule chapter:

(1) through (4) No change.

(5) "Approved Appraisal" means an Appraisal that has been reviewed and approved by the Trust for use in determining the Maximum Approved Purchase Price ~~that the Trust and the Recipient will pay for property.~~

(6) "Approved Appraiser" means an Appraiser who has the necessary background, qualifications and experience to appraise the interest in real estate being acquired under this Chapter and whose name is on the current list of approved appraisers on file with the Division of State Lands, Department of Environmental Protection. ~~A copy of the list of Approved Appraisers shall be maintained for public examination in the offices of the Trust.~~

(7) through (19) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,_____.

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title.

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

(c) The Acquisition of a Project Site shall take place under one of the following procedures:

1. For a Project Site that consists of ~~ten~~ five or fewer ownerships to be jointly acquired with the Trust, the Recipient may request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

2. For a Project Site that consists of ~~eleven~~ six or more ownerships to be jointly acquired with the Trust, the Recipient shall be required to act as the party responsible for the Acquisition activities.

3. If the Trust determines that the Recipient does not have the necessary expertise or qualifications to be able to timely negotiate the acquisition of the project site, the Trust shall act as the party responsible for the Acquisition activities.

(d) No change.

(4) through (5) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02, Amended 2-8-05,_____.

9K-8.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) through (4) No change.

(5) Determination of Maximum Approved Purchase Price.

(a) For purposes of calculating the Trust and the Recipient shares of the purchase price paid for real property, a Maximum Approved Purchase Price shall be determined. The Grant

Contract will describe financial participation by the Trust and the Recipient on a percentage basis. The Trust considers that the maximum purchase price in which it will participate shall be the Maximum Approved Purchase Price or purchase price, whichever is less. If the Recipient or its Agent negotiates a purchase price higher than the Maximum Approved Purchase Price, the Recipient shall pay all the purchase price amount over the Maximum Approved Purchase Price, in addition to the Match percentage share of the Maximum Approved Purchase Price.

(b) through (6) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02, 2-8-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Reecy, Community Program Manager, Florida Communities Trust

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thaddeus L. Cohen, Secretary, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NO.: 27M-2.001
 RULE TITLE: Certification for Retained Spring Training Facilities

PURPOSE AND EFFECT: The purpose and effect of the rule development is to implement the provisions of Section 288.1162, Florida Statutes, and Laws of Florida 2006-262.

SUMMARY: The text of Rule 27M-2.001, F.A.C. implements the provisions of Sections 288.1162, Florida Statutes, and Laws of Florida 2006-262.

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

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

SPECIFIC AUTHORITY: 288.1162 FS.

LAW IMPLEMENTED: 288.1162 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: Ted Bonanno, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

27M-2.001 Certification for Retained Spring Training Facilities.

(1) An applicant must submit the application for certification to the Florida Sports Foundation by 5:00 pm, EST, October 2, 2006 in order to be considered for certification. Applications may not be changed once submitted. The original and seven (7) copies of the application should be submitted to the following address:

Florida Sports Foundation
Attention: Larry Pendleton
2930 Kerry Forest Parkway, Suite-100
Tallahassee, Florida 32309
Phone: (850)488-8347
Fax: (850)922-0482

(2) Each application will be reviewed based on the requirements set forth in Section 288.1162(5)(c)2., Florida Statutes (2006).

(3) The Florida Sports Foundation will receive the application and conduct a scoring of each application based on the criteria established in Section 288.1162(5)(c)2., Florida Statutes (2006), using the Application Evaluation Criteria Worksheet incorporated herein by reference. Any discrepancies in the application will be resolved in accordance with Section 288.1162(5)(c)2., Florida Statutes (2006).

(4) The Florida Sports Foundation will complete its review and forward its recommendations for certification to the Office of Tourism, Trade, and Economic Development by 5:00 p.m., EST, November 30, 2006.

(5) The Office of Tourism, Trade, and Economic Development will review the recommendations by December 15, 2006. The Office of Tourism, Trade, and Economic Development and the Florida Sports Foundation will meet during the month of December 2006 to review and finalize the certifications. Certifications will be announced by 5:00 p.m. EST, January 2, 2007.

Specific Authority 288.1162 FS. Law Implemented 288.1162 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Pamela Dana, Director, Office of Tourism, Trade, and Economic Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Pamela Dana, Director, Office of Tourism, Trade, and Economic Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

SUMMARY: Amends the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

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

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

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (2) No change.

(3) Procedures.

(a) through (f) No change.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. through 4. No change.

5. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date ~~February 5, 2004~~.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul C. Decker, Inspector General
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia “Tina” Hayes, Acting Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: RULE TITLES:
59G-4.190 Independent Laboratory Services
59G-4.230 Physician Services

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbooks were revised to include Medicaid’s genetic testing policies. The effect will be to incorporate by reference in rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook.

In the Notice of Rule Development that was published in Vol. 32, No. 31, Florida Administrative Weekly, on August 4, 2006, we stated that the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook updates were effective July 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in rule updates January 2007 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 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: Tuesday, January 23, 2007, 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 IS: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003, updated January 2005-1 and January 2007, 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 1 (800) 377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, 8-25-03, 9-3-03, 10-27-03, 8-18-05,_____.

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 2004, updated January 2005-1, January 2005-2, ~~and~~ September 2006, and January 2007, 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>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 1(800)377-8216.

(3) through (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, 8-3-04, 8-18-05, 8-31-05, 10-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-2.003	Definitions
63E-2.005	Admission Criteria
63E-2.006	Admission Procedures
63E-2.013	Behavior Management
63E-2.014	Disciplinary Confinement

PURPOSE AND EFFECT: The proposed repeal is consistent with the repeal of Section 985.309, Florida Statutes, which statute authorized boot camp programs.

SUMMARY: The proposed rule repeals the remaining sections of the department’s rule chapter implementing boot camp programs. The repealed sections provide definitions, admission criteria and admission procedures for boot camps, establish the behavior management system in such programs, and the use of disciplinary confinement.

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

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

SPECIFIC AUTHORITY: 39.012 FS.

LAW IMPLEMENTED: 39.001, 39.002 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: Tuesday, January 16, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, Ste. 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-2.003 Definitions.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002 FS. History–New 1-31-94, Formerly 10Q-5.003, Repealed_____.

63E-2.005 Admission Criteria.

Specific Authority 39.012, 39.057(3) FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History–New 1-31-94, Formerly 10Q-5.005, Amended 12-4-97, Repealed_____.

63E-2.006 Admission Procedures.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History–New 1-31-94, Formerly 10Q-5.006, Amended 12-4-97, Repealed_____.

63E-2.013 Behavior Management.

Specific Authority 39.012 FS. Law Implemented 415, 39.044(2), 39.057 FS. History–New 1-31-94, Formerly 10Q-5.013, Amended 12-4-97, Repealed_____.

63E-2.014 Disciplinary Confinement.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.001, 39.002, 39.021, 39.057 FS. History–New 1-31-94, Formerly 10Q-5.014, Amended 12-4-97, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Haynes, Residential Services Policy Development and Planning Unit, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Chervanik, Assistant Secretary for Residential Services, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-30.003	Physician Assistant Licensure
64B8-30.005	Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to amend continuing medical education (CME) for initial and renewal of licensure pursuant to changes in Chapter 456, Florida Statutes.

SUMMARY: The proposed rule amendments clarify the requirements for continuing medical education for both initial and renewal of licensure.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031, 456.033(1)(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) through (2) No change.

(3) The applicant must submit a statement documenting completion ~~statements containing the following information:~~

~~(a) Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information~~

~~on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.~~

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

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06,_____.

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally

affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one (1) hour ~~For all licensees one hour~~ of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g)~~ No change.

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-30.005(2)(c), (d), (e), ~~(f)~~ and ~~(f)(g)~~, F.A.C., for each biennium in which the license was inactive; and

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-6.003	Physician Assistant Licensure
64B15-6.0035	Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to amend continuing medical education (CME) for initial and renewal of licensure pursuant to changes in Chapter 456, Florida Statutes.

SUMMARY: The proposed rule amendments clarify the requirements for continuing medical education for both initial and renewal of licensure.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033(1)(6), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit a statement documenting completion statements containing the following information:

~~(a) Completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections~~

~~including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.~~

(5) No change.

Specific Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History--New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, _____.

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one hour For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management, prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirements. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law in HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g) No change.~~

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), ~~(f)~~ and ~~(f)(g)~~, F.A.C., for each biennium in which the license was inactive;

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001
RULE TITLE: Materials Incorporated by Reference
PURPOSE AND EFFECT: To adopt and incorporate materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.
SUMMARY: This amendment incorporates materials by reference relating to the Child Care Food Program that provide instruction to program contractors and incorporates the most recently published regulations.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 383.011(2)(c) FS.
LAW IMPLEMENTED: 383.011(1)(i) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Bureau of Child Nutrition Programs Office. 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: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A-02, Tallahassee, Florida 32399-1703, (850)245-4005

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantially rewording of Rule 64F-17.001 follows. See Florida Administrative Code for present text)

64F-17.001 Materials Incorporated by Reference Federal Regulations.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2006, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2006, are incorporated by reference.

(2) The Department of Health’s publications entitled “Procedure Manual for Sponsors of Unaffiliated Centers.” dated August 1, 2006, is incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History—New 7-22-99, Amended 2-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Annette Phelps
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phillip Reeves
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012
RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To adopt firesafety standards for tunnels to accommodate the state-owned tunnel to be built in Miami-Dade County.

SUMMARY: A tunnel is to be built in Miami, Florida, under a portion of Biscayne Bay, linking the City of Miami and Miami-Dade County with the Port of Miami. The tunnel will be state owned property; therefore, the State Fire Marshal is the

authority having jurisdiction. The rule adopts NFPA 502, 2001 (the latest edition) entitled "Road Tunnels, Bridges, and Other Limited Access Highways."

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01(1), 633.022 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: January 16, 2007, 8:30 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Millicent King, (850)413-3619. 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code, 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., the 2004 edition of the Florida Fire Prevention Code are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and

are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

All references listed above NFPA 502: No change.

NFPA 502 –2001, Road Tunnels, Bridges, and Other Limited Access Highways

All references listed below NFPA 502: No change.

(2) through (5) No change.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
690-149.005	Reasonableness of Benefits in Relation to Premiums

PURPOSE AND EFFECT: To implement guidelines for multiple year rate guarantees for health insurance.

SUMMARY: The rule establishes the requirements an insurer must follow if it wishes to offer multiple year rate guarantees that are not excessive, inadequate or unfairly discriminatory.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b), (d), (e) FS.

LAW IMPLEMENTED: 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 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: January 18, 2007, 9:30 a.m.

PLACE: Room 142, 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (13) No change.

(14) An insurer may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance policies as defined in Section 627.410(6), F.S., and paragraph 69O-149.002(6)(a), F.A.C.:

(b) The provision may not apply for greater than 24 months;

(c) The rate for the entire rating period is actuarially sound, includes claim costs projected at the trend level applicable to all other groups covered under the form and is reasonably anticipated to meet the target loss ratio for the group, based on the rating manual, over the rating period;

(d) The provision is available to all groups with coverage under the form; and

(e) The provision may be available only when the insurer has group experience and the provision is used within the insurer's experience rating formula.

Specific Authority 624.308(1), 627.410(6)(b), (d), (e) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-149.037
RULE TITLE: Calculation of Premium Rates

PURPOSE AND EFFECT: Pursuant to Sections 627.410(6)(a) and 627.6699(6), Florida Statutes, and the existing language of paragraph 69O-149.037(4)(b), Florida Administrative Code, small employer group standard and basic product rates must be filed electronically with the Office of Insurance Regulation (Office), on a 2-50 life basis, using the Rate Collection Systems (CARES).

SUMMARY: The proposed rule will require all small group rates to be filed electronically with the Office, on a 2-50 life basis, using new software referred to as the Small Employer Rate Collection System (SERCS).

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

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

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.6699(17) FS.

LAW IMPLEMENTED: 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) 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: January 16, 2007, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Bradford, Life and Health Product Review, Office of Insurance Regulation, E-mail: Diane.Bradford@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.037 Calculation of Premium Rates.

(1) through (3) No change.

(4) Rate filing requirements –

(a) No change.

(b) ~~SERCS CARES~~. Small group ~~standard and basic product~~ rates must be filed on a 2-50 life basis using the Small Employer Rate Collection System (SERCS) Rate Collection Systems (CARES), Form OIR-B2-~~SERCS CARES~~ (Rev. ~~6/19/06~~ ~~9/19/05~~), which is hereby adopted and incorporated by reference. These forms are available at: https://iportal.fldfs.com/ifile/fass/work/questions/sercs_upload.asp ~~https://iportal.fldfs.com/cares/Product/Product.asp~~.

(5) through (8) No change.

Specific Authority 624.308(1), 624.424(1)(c), 627.6699(17) FS. Law Implemented 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) FS. History--New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.037, Amended 7-6-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Bradford, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-191.054 RULE TITLE: Rates

PURPOSE AND EFFECT: To implement guidelines for multiple year rate guarantees for HMO's.

SUMMARY: The rule sets forth the requirements an HMO must follow if it wishes to offer multiple year rate guarantees that are not excessive, inadequate or unfairly discriminatory.

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

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

SPECIFIC AUTHORITY: 641.31, 641.36 FS.

LAW IMPLEMENTED: 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) 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: January 18, 2007, 9:30 a.m.

PLACE: Room 142, 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail:

Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-191.054 Rates.

(1) through (10) No change.

(11) An HMO may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance contracts only;

(b) The provision may not apply for greater than 24 months;

(c) The rate for the entire rating period is actuarially sound, includes claim costs projected at the trend level applicable to all other groups covered under the form and is reasonably anticipated to meet the target loss ratio for the group, based on the rating manual, over the rating period;

(d) The provision is available to all groups with coverage under the form; and

(e) The provision may be available only when the HMO has group experience as it is used within the insurer's experience rating formula.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) FS. History--New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, 8-15-02, 1-19-03, Formerly 4-191.054, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006