

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Historical Resources**

**RULE TITLE:** Historic Preservation Grants-In Aid **RULE NO.:** 1A-35.007

**PURPOSE AND EFFECT:** The purpose and effect of the proposed changes is to amend the applications incorporated into this rule to remove obsolete sections of the application, to and obtain more information for each application to streamline application review procedures. To revise the grant award agreements incorporated into this rule. To change references to the Historic Preservation Advisory Council to be in conformance with amendments to s. 267.0612, F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Bureau of Historic Preservation proposes to amend the application incorporated into this rule and create new applications to differentiate between program specific grants and to obtain more information for each application to streamline the application review procedures. The Bureau of Historic Preservation proposes to amend the grant award agreements incorporated into this rule in order to conform with changes to state statutes referenced in the agreements and to revise the terms and conditions of the agreements governing payment of grant funds and review of the plans and specifications by the Bureau of Historic Preservation of work authorized by the agreements. The Bureau of Historic Preservation proposes to revise references to the Historic Preservation Advisory Council and replace such references with Florida Historical Commission in conformance with amendments to s. 267.0612, F.S.

**SPECIFIC AUTHORITY:** 267.031(1), 267.061(3) FS.

**LAW IMPLEMENTED:** 267.017(2) FS.

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

**TIME AND DATE:** 10:00 a.m., August 13, 2001

**PLACE:** Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Robert C. Taylor, Historic Preservationist Supervisor, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6333

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

**RULE CHAPTER TITLE:** Historical and Archaeological Report Standards and Guidelines **RULE CHAPTER NO.:** 1A-46

**PURPOSE AND EFFECT:** The proposed amendment revises the criteria by which historical and archaeological reports are reviewed by the Division of Historical Resources.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendment revises the information required to be provided in cultural resources survey reports by including the results of identification and evaluation activities for historic buildings and structures in addition to archaeological sites.

**SPECIFIC AUTHORITY:** 267.031(1), 267.061(3) FS.

**LAW IMPLEMENTED:** 267.061 FS.

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

**TIME AND DATE:** 9:00 a.m., August 10, 2001

**PLACE:** Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Frederick P. Gaske, Chief, Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6333

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

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Mandatory Coverage of Diabetes Treatment **RULE NO.:** 4-191.037

**PURPOSE AND EFFECT:** A question has arisen as to whether limitations on durable medical equipment in HMO contracts can be used to limit coverage for equipment used in diabetes treatment as mandated by § 641.31(26)(a), F.S. This rule answers that question. The rule requires coverage regardless of contractual limits on durable medical equipment.

**SUBJECT AREA TO BE ADDRESSED:** Mandatory coverage of diabetes treatment.

**SPECIFIC AUTHORITY:** 624.308, 641.36 FS.

**LAW IMPLEMENTED:** 624.307(1), 641.31(26)(a) FS.

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

**TIME AND DATE:** 9:30 a.m., August 21, 2001

**PLACE:** Room 116, 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: Richard Brinkley, Bureau of Managed Care, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, (850)413-5338

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 Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.037 Mandatory Coverage of Diabetes Treatment.

(1) Paragraph 641.31(26)(a), Florida Statutes, prohibits the application of monetary limitations to limit coverage of equipment, supplies, and services used to treat diabetes, if the patient's primary care physician or physician specializing in diabetes to whom the patient has been referred certifies that the equipment, supplies, or services are necessary.

(2) Coverage for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, shall not be limited by durable medical equipment limitations or other limitations in a health maintenance contract.

(3) Paragraph 641.31(26)(a), Florida Statutes, does not prohibit the application of deductibles or co-payments to equipment, supplies, and services meeting the criteria in that paragraph.

(4) Payments for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, can be used by an HMO to apply toward limits for durable medical equipment which does not meet that standard.

Specific Authority 624.308, 641.36 FS. Law Implemented 624.307(1), 641.31(26)(a) FS. History--New.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Codes of Conduct

RULE NO.: 25-7.072

PURPOSE AND EFFECT: To provide a code of conduct governing a natural gas utility and its affiliates. It is intended that no natural gas utility or affiliate gain an unfair competitive advantage over nonaffiliated competitors through cross-subsidization by the utility of an unregulated affiliate.

SUBJECT AREA TO BE ADDRESSED: Assurance of reasonable and just rates by avoiding utility cross-subsidization of unregulated affiliates.

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 workshop request must be submitted in writing within 14 days of the date of this notice to the Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Salak, Division of Competitive Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6408

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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 using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Operation of Substance Abuse Programs

RULE NO.: 33-507.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish guidelines relating to the use of inmate peer facilitators in substance abuse programs.

SUBJECT AREA TO BE ADDRESSED: Substance Abuse Program Services.

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 944.09 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-507.002 Operation of Substance Abuse Programs.

(1) Operation of Substance Abuse Programs.

(a) Inmate substance abuse programs shall be operated under the direction of the program manager within whose program center the program exists.

(b) In order to ensure the provision of quality services, the bureau of substance abuse programs services shall have responsibility for administering the overall program, for the development and issuance of performance standards for each program entity with regard to program operation, staffing ratio,



General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**40D-4.041 Permits Required.**

- (1) No change.
- (2) The District issues the following types of Environmental Resource Permits:
  - (a) General permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects which have, either singularly or cumulatively, minimal environmental impact.
    - (1) Standard general permits are issued pursuant to Chapters 40D-40 and ~~40D-45~~, F.A.C.
    - (2)(b) through (d) No change.
    - (3) No change.
    - (4) A Standard General Permit for Minor Surface Water Management Systems is required for a surface water management system, otherwise exempt from permitting under subsections 40D-4.051(4), (6), (7)(3) or (8)(4), F.A.C., unless the system is exempt by statute or rule from storm water quality regulation or has received storm water quality review and approval by the District or by a DEP permit, license or certification.
      - (5) Any dredging or filling in, on, or over surface waters of the State which is authorized by a general or individual permit issued under Chapters 40D-4, 40D-40, ~~40D-45~~ or 16J-4, F.A.C., as such Chapters existed prior to October 3, 1995, but which is not authorized by a permit or exemption under Chapter 62-312, F.A.C., as such Chapter existed prior to October 3, 1995, shall require an Environmental Resource Permit prior to the dredging or filling. However, such dredging or filling shall be exempt from the requirements of paragraphs 40D-4.301(1)(a) through (e) and (g) through (k), F.A.C.
        - (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, \_\_\_\_\_.

**40D-4.091 Publications and Agreements Incorporated by Reference.**

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

- (1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ June 12, 2001." This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History-New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, \_\_\_\_\_.

**40D-4.381 General Conditions.**

- (1) No change.
- (2) In addition to those general conditions set forth in subsection (1), the Governing Board may impose on any permit granted under this chapter and Chapters 40D-40 and ~~40D-45~~, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

| RULE TITLES:                                  | RULE NOS.:  |
|---|-------------|
| Licensure, Administration and                 |             |
| Fiscal Management                             | 59A-4.103   |
| Risk Management                               | 59A-4.1035  |
| Liability Insurance                           | 59A-4.10355 |
| Quality Assessment and Assurance              | 59A-4.123   |
| Evaluation of Nursing Homes and Rating System | 59A-4.128   |

**PURPOSE AND EFFECT:** The Agency proposes to amend rules 59A-4.103, and 59A-4.128 and establish rules 59A-4.1035, and 59A-4.10355 while deleting 59A-4.123 consistent with provisions of s. 400.23, F.S. that became effective July 1, 1999 and May 15, 2001. The legislation provides for establishing the annual license fee; establishing an internal risk management and quality assurance program; documentation of liability insurance coverage; deleting a facility's quality assessment and assurance committee; and evaluation of nursing homes and the licensure system.

**SUBJECT AREA TO BE ADDRESSED:** The proposed changes to 59A-4, Florida Administrative Code include: methodology for setting license fees (59A-4.103, F.A.C.); along with establishing new rules involving risk management (59A-4.1035, F.A.C.) and liability insurance coverage (59A-4.10355, F.A.C.); stating criteria in the evaluation of nursing homes in conjunction with the licensure system (59A-4.128, F.A.C.); and deleting reference to a facility's quality assessment and assurance committee (59A-4.123, F.A.C.).

**SPECIFIC AUTHORITY:** 400.23 FS.

**LAW IMPLEMENTED:** 400.11, 400.022, 400.141, 400.23 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2001  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Dental Hygiene Examination  
 RULE NO.: 64B5-2.0135  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the dental hygiene examination.

SUBJECT AREA TO BE ADDRESSED: Dental hygiene examination.

SPECIFIC AUTHORITY: 456.017, 466.004(4), 466.007 FS.  
 LAW IMPLEMENTED: 456.017, 466.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-2.0135 Dental Hygiene Examination.
- (1) through (8) No change.

(9) A candidate that fails the prophylaxis shall retake the entire clinical examination. A candidate that fails only the root planing part shall retake that part, and shall be allowed 45 minutes.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007 FS. History—New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES: Advertising and Soliciting by Dentists  
 Advertising of Mercury-Free Dentistry  
 RULE NOS.: 64B5-4.002  
 64B5-4.006

PURPOSE AND EFFECT: The Board proposes to discuss Rule 64B5-4.002 to determine if amendments are necessary. The Board will also discuss the possibility of creating a new rule to address advertising of a mercury-free dentistry.

SUBJECT AREA TO BE ADDRESSED: Advertising and soliciting by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities  
 RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the facilities where an unlicensed dentist intends to practice.

SUBJECT AREA TO BE ADDRESSED: Temporary certificate requirements for dentists practicing in state and county government facilities.

SPECIFIC AUTHORITY: 456.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) through (2) No change.

(3) Prior to issuance of a temporary certificate, the unlicensed dentist shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome and proof of current CPR certification. The facility at which the unlicensed dentist intends to practice shall list the name and license number of the licensed dentist under whose supervision the certificate holder shall work.

(4) through (5) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.017(4), 466.025, 456.032 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education imposed by disciplinary final orders.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.079(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.005 Disciplinary Guidelines.

(1) through (5) No change.

(6) Any continuing education imposed by Final Order must, unless otherwise specifically provided in the Final Order, be obtained in a live presentation. Continuing education hours obtained to satisfy a Final Order shall be in addition to and not count toward, a licensee's renewal requirements. A licensee obtaining continuing education pursuant to a Final Order shall submit documentation of same to the Board office no later than 30 days after completion.

(6) through (7) renumbered (7) through (8) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.079(1) FS. History--New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fees for Enforcement of Unlicensed Practice Prohibitions RULE NO.: 64B5-15.024

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to collection of fees and unnecessary rule text is being deleted.

SUBJECT AREA TO BE ADDRESSED: Fees for enforcement of unlicensed practice prohibitions.

SPECIFIC AUTHORITY: 456.064 FS.

LAW IMPLEMENTED: 456.064 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.024 Fees for Enforcement of Unlicensed Practice Prohibitions.

The Department of Health is authorized to collect an additional ~~earn~~mark \$5.00 with ~~of~~ each initial licensure fee and each biennial renewal fee as set forth in Rule 64B5-15.006 for the purpose of investigating and prosecuting the unlicensed practice of dentistry and dental hygiene. ~~However, if the Board is in a deficit at the time the fee is collected, the Department is authorized, as an alternative, to collect an additional special fee of \$5.00 from each individual upon initial licensure and upon renewal of biennial licensure for this purpose.~~

(1) through (3) No change.

Specific Authority 456.064 FS. Law Implemented 456.064 FS. History--New 8-29-93, Formerly 61F5-15.024, 59Q-15.024, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Proprietorship by Nondentists RULE NO.: 64B5-17.013

PURPOSE AND EFFECT: The Board proposes to amend this rule to rename the rule title and set forth rule text which will describe proprietorship by nondentists.

SUBJECT AREA TO BE ADDRESSED: Proprietorship by nondentists.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.003, 466.0285, 466.028(1)(g),(z) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.013 Proprietorship by Nondentists Dental Practice Management Services.

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, or facilitates any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties.

(3) For the purposes of this rule:

(a) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term "control" shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive "Practice Management Services." The term "Practice Management Services" is defined to include

consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) through (i) No change.

~~(2) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.~~

~~(5)(3) No change.~~

(6) For purposes of implementing the provisions of Section 466.028(1)(h), Florida Statutes, no dentist shall enter into any agreement, or series of agreements, with anyone other than a dentist or group of dentists, which constitutes a de facto employment of the dentist by a nondentist. The following shall be considered as evidence that the dentist has violated Section 466.028(1)(h), Florida Statutes:

(a) Any agreement or series of agreements that contractually bind a dentist to purchase practice management services from a nondentist for a period of more than 5 years.

(b) Any clause in an agreement or series of agreements which seeks to penalize a dentist seeking to terminate an agreement to purchase practice management services from a nondentist through a non compete clause. Except as permitted by Section 542.33, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule.

Specific Authority 466.004 FS. Law Implemented 466.003, 466.0285, 466.028(1)(g),(z) FS. History--New 10-16-96, Formerly 59Q-17.013, Amended \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE TITLE: RULE NO.:

Removal of Amalgam Fillings 64B5-17.014

PURPOSE AND EFFECT: The Board will discuss the possibility of creating a new rule to address the removal of amalgam fillings.

SUBJECT AREA TO BE ADDRESSED: Removal of amalgam fillings.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.001, 466.004(4), 466.028,(1)(x), (ff) FS.

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

TIME AND DATE: 8:00 a.m., or thereafter on August 18, 2001

PLACE: Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Required Sterilization and Disinfection Procedures  
 RULE NO.: 64B5-25.003

PURPOSE AND EFFECT: The purpose of the rule amendments is to make the rule consistent with the subject area responsibilities of the EPA and the FDA.

SUBJECT AREA TO BE ADDRESSED: Required sterilization and disinfection procedures.

SPECIFIC AUTHORITY: 456.032, 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.028(1)(a),(x), 466.041 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) At least one of the following procedures must be used in order to provide proper sterilization:

(a) through (d) No change.

(e) Disinfectant/sterilant. U.S. Environmental Protection Agency (EPA) approved disinfectant/sterilants or U.S. Food and Drug Administration (FDA) approved sterilant may be used but are only appropriate for sterilization when used in appropriate dilution and for the time periods set forth in the manufacturer's recommendation and only on non-heat tolerant instruments which do not penetrate soft tissue.

(2)(a) through (10) No change.

Specific Authority 456.032, 466.004(4) FS. Law Implemented 456.032, 466.028(1)(u), (x), 466.041 FS. History--New 2-24-87, Amended 12-6-87, 10-24-88, 1-7-92, 4-5-93, Formerly 21G-25.003, Amended 11-22-93, Formerly 61F5-25.003, 59Q-25.003, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Application, Certification, Registration, and Licensure Fees  
 RULE NOS.: 64B8-3.002  
 Renewal Fees 64B8-3.003  
 Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendments to increase the fee for licensure by examination and licensure renewal and to implement a fee for converting from inactive to limited license.  
 SUBJECT AREA TO BE ADDRESSED: Licensure by examination fee, renewal fees, and fee for converting from inactive to limited licensure.

SPECIFIC AUTHORITY: 456.013, 456.025, 456.036, 458.309(1), 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025(1), 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.316, 458.3165, 458.317, 458.319(1), 458.345, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) through (4) No change.

(5) The application fee for a person desiring to be licensed as a physician by examination, as provided in Sections 458.311, 458.3115 and 458.3124, F.S., shall be ~~\$460.00~~ \$410.00.

(6) through (8) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS. History--New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, \_\_\_\_\_.



64B8-3.003 Renewal Fees.

- (1) No change.
- (2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be ~~\$385.00~~ ~~\$350.00~~. However the following exceptions shall apply:

- 1. through 4. No change.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History–New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99.

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) through (d) No change.

(e) The fee for reactivation of an inactive license for the purpose of converting the license to a limited license pursuant to Section 458.317(4), F.S., shall be \$25.00.

(2) No change.

Specific Authority 458.309, 456.036 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History–New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirements for Reactivation of an Inactive License

RULE NO.: 64B8-13.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the requirements licensure reactivation pursuant to Section 458.317, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensure reactivation for the purpose of converting to a limited license.

SPECIFIC AUTHORITY: 458.309, 458.321, 458.317 FS.

LAW IMPLEMENTED: 458.321(1), 458.317 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.004 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

(1) No change.

(2) ~~Any~~ ~~However, any~~ physician whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for 2 out of the previous 4 years in another jurisdiction ~~may~~ ~~shall~~ be required to appear before the Credentials Committee of the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) through (e) No change.

(3) Any physician reactivating his or her license for the purpose of converting the license to a limited license pursuant to Section 458.317, F.S., whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for 2 of the previous 4 years in another jurisdiction, shall be required to:

(a) Demonstrate compliance with paragraph (1) above;

(b) Demonstrate compliance with the financial responsibility requirements of Section 458.320, F.S., and Rule 64B8-12, F.A.C.;

(c) Demonstrate compliance with Section 456.033, F.S., and Rule 64B8-13.006, F.A.C.;

(d) Practice under supervision for a period of six (6) months.

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

Specific Authority 458.309, 458.321(1), 458.317 FS. Law Implemented 458.321(1), 458.317 FS. History–New 2-3-82, Formerly 21M-28.01, Amended 1-1-92, Formerly 21M-28.001, 61F6-28.001, Amended 3-1-95, Formerly 59R-13.004, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: Rights and Responsibilities 65A-1.204  
Eligibility Determination Process 65A-1.205

PURPOSE AND EFFECT: The proposed amendment of these rules will incorporate by reference client notice and contact forms used in the eligibility determination process.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendment of Rule 65A-1.204, F.A.C., incorporates the Rights and Responsibilities form and the Hearing Request form by reference into this rule. The proposed amendment of Rule 65A-1.205, F.A.C., revises the Withdrawal notice incorporated into this rule by removing statements about the use of the same food stamp application for a subsequent application and incorporates the Pending notice by reference. Additionally, this proposed rule amendment is to incorporate the Request for Assistance and the Application for Public Assistance (Common Application Form or CAF) into this rule. **SPECIFIC AUTHORITY:** 409.212(7), 409.919, 410.033, 414.45 FS.

**LAW IMPLEMENTED:** 409.212, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

**IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 2:00 p.m., August 13, 2001

**PLACE:** Room 455, Building 3, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Programs**

|   |                          |
|---|--------------------------|
| <b>RULE CHAPTER TITLE:</b>  | <b>RULE CHAPTER NO.:</b> |
| Behavioral Health Services  | 65E-11                   |
| <b>RULE TITLES:</b>   | <b>RULE NOS.:</b>        |
| Definitions   | 65E-11.002               |
| Scope of Behavioral Health Services   | 65E-11.003               |
| Clinical Guidelines for Referral  | 65E-11.004               |
| Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and to Prevent Unnecessary Expenditures | 65E-11.007               |

**PURPOSE AND EFFECT:** Notice is hereby given that the following additional changes are being considered to the promulgated Rule 65E-11, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. This rule was originally published in the Florida Administrative Weekly, Vol. 26, No.

36, September 8, 2000, and in Vol. 26, No. 47, November 22, 2000 as the first Notice of Change. The effective date of this rule was January 17, 2001.

**SUBJECT AREA TO BE ADDRESSED:** These additional revisions are in response to updates in required forms, program name change, refined program operations since the original rule publication, and technical rule citations changes as a result of these revisions.

**SPECIFIC AUTHORITY:** 409.8135(6) FS.

**LAW IMPLEMENTED:** 409.8135 FS.

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

**TIME AND DATE:** 9:00 a.m. – 12:00 p.m., August 27, 2001

**PLACE:** Building 6, Conference Room A, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Michael Sorrell, Medical/Health Care Program Analyst, Bldg. 6, Room 297, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

65E-11.002 Definitions.

Definitions as used in Chapter 65E-11, F.A.C.

(1) through (4) No change.

(5) “Behavioral Health Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program. This network includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders. ~~“Behavioral Health Specialty Care Network” means the single entity or local alliance of Providers of Behavioral Health Services, who provide behavioral health services to children enrolled in the Behavioral Health Specialty Care Network.~~

(6) “Behavioral Health Services” means those services, contingent on the child’s presenting condition, that are provided to enrolled children in the Behavioral Health Network ~~Behavioral Health Specialty Care Network~~ for the treatment of mental or substance-related disorders.

(7) “Behavioral Health Network Coordinator” ~~“Behavioral Health Specialty Care Coordinator”~~ means the department’s designated representative for overseeing the enrollment and

provision of care by a single entity or local alliance of Providers of Behavioral Health services who comprise a behavioral health care network.

~~(8) “Behavioral Health Specialty Care Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders.~~

~~(8)(9) “Benefits Package” means the required benefits and Alternative Services described in Section 65E-11.003, F.A.C., that are made available to each child upon enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network described in section 65E-11.003.~~

~~(9)(10) “Child” means any individual five (5) years of age and not yet (19) years of age who is enrolled in the Behavioral Health Network Behavioral Health Specialty Care Network.~~

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

~~(11)(12) “Eligible” means a child that has been screened by the behavioral health liaison as meeting the Behavioral Health Network Behavioral Health Specialty Care Network clinical and treatability criteria and by the Department for Title XXI Medicaid financial eligibility criteria but is not yet enrolled in the program to receive Behavioral Health Network Behavioral Health Specialty Care Network services.~~

~~(12)(13) No change.~~

~~(13)(14) “Enrollment” means a child is eligible for and receiving services in the Behavioral Health Network Behavioral Health Specialty Care Network after an official acceptance into the Behavioral Health Network Behavioral Health Specialty Care Network based on separate determinations of financial eligibility by the Department that the child is eligible for the Title XXI component of KidCare and that the child is clinically eligible for enrollment.~~

~~(15) through (20) renumbered (14) through (19) No change.~~

~~(20)(21) “Reverification” means the redetermination of a child’s eligibility based on the criteria described in Section 65E-11.004, F.A.C. clinical eligibility criteria described in Section 65E-11.005, F.A.C., for the purpose of reverification of eligibility for the Behavioral Health Specialty Care Network.~~

~~(22) through (25) renumbered (21) through (24) No change.~~

~~(25)(26) “Targeted Outreach” means the planned and coordinated efforts to communicate information about the Behavioral Health Network Behavioral Health Specialty Care Network with an overall intent to increase awareness, participation, and enrollment in the program.~~

~~(26)(27) “Treatment Plan” means that identifiable section of the medical record that depicts goals and objectives for the provision of services with specific treatment environments. The treatment plan shall be developed by a team consisting of individuals with experiences and competencies in the provision of behavioral health services to children as described in Section 65E-11.002(10)(17), F.A.C.; including if deemed appropriate by the family, the child and family or family representatives; and other agencies, providers or other persons.~~

~~(27)(28) No change.~~

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended \_\_\_\_\_.

65E-11.003 Scope of Behavioral Health Services.

(1) through (6) No change.

(a) Alternative Services shall be approved so long as they are related to the child’s treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Network Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

(6)(a)1.-7. through (b)1.-7. No change.

(7) through (11)(a)-(n) No change.

(o) Complete the Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2001 version and the Behavioral Health Network Reverification and Request for Disenrollment form, March 1, 2001 version Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, September 2000 version July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment form(s) Behavioral Health Specialty Care Network Screening and Eligibility Tracking form to the Children’s Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended \_\_\_\_\_.

65E-11.004 Clinical Guidelines for Referral.

(1) Every child referred to the Behavioral Health Network ~~a Behavioral Health Specialty Care Network~~ shall be screened as a first step in determining the child's ~~clinical~~ eligibility for services. If the screening indicates the child has the potential to meet the Behavioral Health Network Behavioral Health Specialty Care Network ~~clinical~~ eligibility criteria described in this section, ~~and there is available capacity within the network to enroll the child,~~ an assessment shall be conducted.

(2) A child shall be considered eligible for behavioral health services from the Behavioral Health Network Behavioral Health Specialty Care Network when the child is determined to be Title XXI eligible for the Florida KidCare Program, be at least five (5) years of age and not yet nineteen (19) years of age, and

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

b. ~~A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and Attention-Deficit and Disruptive Behavior disorders shall be excluded as DSM-IV Axis I mental disorders in determining clinical eligibility for the Behavioral Health Specialty Care Network, and~~

c. The child demonstrates a significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty or below; or ~~The child is experiencing significant functional impairment as a result of his or her condition, or~~

2. No change.

a. A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and

b. The child demonstrates significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty and below; or

3. No change.

a. The child demonstrates significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty and below; and

b. A child diagnosed with Oppositional Defiant Disorder, Conduct Disorder, or Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, Children diagnosed with Attention-Deficit or Disruptive disorders as the primary DSM-IV-R Axis I diagnosis do not qualify for BNet services.

(3) Disenrollment Criteria. A child shall be considered disenrolled from the Behavioral Health Network at midnight of the last day of the current enrollment month if one of the following occurs: ~~Ineligibility Criteria. A child shall be~~

~~considered ineligible for Title XXI Behavioral Health Specialty Care Network behavioral health services if any one of the following criteria is met:~~

(a) ~~The parent has neglected to pay the premium; The child does not meet the Title XXI eligibility criteria with regard to age, income, premium payment, and other insurance coverage or the child does not meet the following Behavioral Health Network criteria: Behavioral Health Specialty Care Network eligibility criteria described in Section 65E-11.004, F.A.C., above;~~

(b) ~~The child turns 19 years old; The child is placed in long-term residential care exceeding 30 days;~~

(c) ~~The child becomes Medicaid eligible or obtains other insurance coverage; The child moves out of the state of Florida;~~

(d) The child moves out of state;

(e) The child is placed in residential treatment exceeding thirty days;

(f) The child becomes an inmate of a public institution; or

(g) The child (at reverification) no longer meets the Behavioral Health Network's treatability or clinical eligibility criteria.

(4) When determining or reviewing a child's eligibility under the program, the applicant shall be provided with notice of changes in eligibility. When a transition from the Behavioral Health Network to another program is appropriate, the Behavioral Health Liaison shall notify the Children's Medical Services case manager in writing and shall ensure the affected family is afforded a transition which promotes continuity of behavioral health care coverage.

(5)(4) The department shall be the final authority on all admissions, transfers, and discharges of children into and from the Behavioral Health Network Behavioral Health Specialty Care Network and retains the right to override any decision of a Lead Agency with regard to a child's admission, transfer, and discharge.

(6)(5) In the case of any dispute between the department and a Lead Agency, an enrolled child shall remain in the Behavioral Health Network Behavioral Health Specialty Care Network and continue to receive care at the expense of the Lead Agency for the duration of the resolution of the dispute.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New 1-17-01, Amended.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures.

(1) Treatment Plan. A written treatment service plan shall be developed within 10 working days of enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network for each enrolled child. At a minimum, the plan shall include clear time-limited treatment objectives, related interventions, clinical criteria for discharge, and evidence that

the child and family, consistent with the statutes and rules of the department for family involvement, have been included in the development of the treatment plan.

(a) through (b) No change.

(2) Behavioral health services financed through the Behavioral Health Network ~~Behavioral Health Specialty Care Network~~ shall not begin until after the child's enrollment as defined in Section 65E-11.003, F.A.C.

(3) through (4)(c) No change.

(d) Collection of data to review the criteria and process used to evaluate services for medical necessity as described in Section 65E-11.002(18)(19), F.A.C.,

(e) through (8)(b) No change.

1. The claim documents psychiatric admission for the treatment of Emergency Behavioral Health Care as defined in Section 65E-11.002(12)(134), F.A.C., and includes the date of admission, reason for admission, location of the treatment facility, duration of service noted, and any Behavioral Health Services authorized by the referring Lead Agency.

2. through 3. No change.

(9) through (11) no change.

(12) Exceptions to the drive-time provision shall be made by the Behavioral Health Network ~~Behavioral Health Specialty Care~~ Coordinator to address the lack of specialty providers or other service constraints existing in rural areas.

(13) No change.

(a) No change.

(b) Urgent Care as defined in Section 65E-11.002(27)(28), F.A.C., shall be evaluated and delivered within twenty-four (24) hours.

(c) through (14) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New 1-17-01, Amended.

**FLORIDA HOUSING FINANCE CORPORATION**

|                                |                   |
|--------------------------------|-------------------|
| <b>RULE TITLES:</b>            | <b>RULE NOS.:</b> |
| Definitions                    | 67-45.001         |
| Notice of Funding Availability | 67-45.002         |
| Application Procedures         | 67-45.004         |
| Loan Processing                | 67-45.006         |
| Fees                           | 67-45.007         |

**PURPOSE AND EFFECT:** The purpose of the amendments is to adjust the limits of the Down Payment Assistance funding to conform to the limits authorized by Section 420.5088(1)(c), Florida Statutes, in connection with the Homeownership Assistance Program and to make other technical and clarifying amendments.

**SUBJECT AREA TO BE ADDRESSED:** A change in the limits of the Down Payment Assistance funding to conform them to the statutory limits and other technical and clarifying amendments to the rule.

**SPECIFIC AUTHORITY:** 420.507(12),(23) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088 FS.

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

**TIME AND DATE:** 2:00 p.m., August 13, 2001

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Debbie Moran, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD)

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

**FLORIDA HOUSING FINANCE CORPORATION**

|                                |                   |
|--------------------------------|-------------------|
| <b>RULE TITLES:</b>            | <b>RULE NOS.:</b> |
| Definitions                    | 67-46.001         |
| Notice of Funding Availability | 67-46.002         |
| General Program Restriction    | 67-46.003         |
| Loan Processing                | 67-46.006         |
| Fees                           | 67-46.007         |

**PURPOSE AND EFFECT:** The purpose of the amendments is to make Homeownership Assistance Permanent Loan funding available for use in conjunction with the Homeownership Assistance Construction Loan Program as authorized by Section 420.5088, Florida Statutes and to make other technical and clarifying amendments.

**SUBJECT AREA TO BE ADDRESSED:** A change in the use of Homeownership Assistance Permanent Loan funding and other technical and clarifying amendments to the rule.

**SPECIFIC AUTHORITY:** 420.507(12),(23) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088 FS.

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

**TIME AND DATE:** 3:00 p.m., August 13, 2001

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Debbie Moran, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE: Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer **RULE NO.:** 68B-13.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to amend Rule Chapter 68B-13, F.A.C., to further clarify and define Commission policy and procedure as it relates to marking stone crab traps and vessels with owner identification. Up to four family members with stone crab endorsements will be able to work traps from a single vessel appropriately marked. The effect of this rule development will be to facilitate cooperative fishing efforts as established within family groups.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Trap Marking and Working Requirements.

SPECIFIC AUTHORITY: Art. IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Section 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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 Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Southwest Florida Shells

RULE TITLE: Live Shellfish, Regulation **RULE NO.:** 68B-26.003

PURPOSE AND EFFECT: The Board of County Commissioners of Lee County has requested that the Fish and Wildlife Conservation Commission entertain a rule amendment to prohibit the harvesting of live shells in all of Lee County. Currently, such harvest is prohibited within the City of Sanibel and the Town of Ft. Myers Beach, and the remainder of the county is under a two live shellfish (of a single species) bag limit. The Board of County Commissioners has completed public hearings and adopted a formal resolution requesting this action. The purpose of this rule development effort is to implement the county's request. The effect will be to conserve live shellfish in an area very popular with shell collectors and to place Lee County under a single regulatory regime, the primary enforcement of which will be performed by the county.

SUBJECT AREA TO BE ADDRESSED: Harvest of live shellfish in Lee County.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-26.003 Live Shellfish, Regulation.

(1) Lee County Live Shellfish Restrictions

~~(a) Except as provided in paragraph (b) for Sanibel and Ft. Myers Beach, and in subsection (3), No person shall:~~

~~(a)1. Harvest any more than two live shellfish of any single species, per day, within Lee County.~~

~~(b)2. Possess, in that area of Lee County between the mean high water line and the county limits in the Gulf of Mexico, any more than two live shellfish of any single species at any time.~~

~~(b) Except as provided in subsection (3), no person shall harvest any live shellfish within the following named communities, or possess, in that area between the mean high water line and the city or town limits, any live shellfish at any time:~~

~~1. The City of Sanibel.~~

~~2. The Town of Ft. Myers Beach.~~

(2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), ~~beginning July 1, 1996~~, no person shall:

(a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.

(b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.

(3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.

(4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, 8-3-00, Formerly 46-26.003, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Oysters

RULE TITLE:

Oyster Size Limit

RULE NO.:

68B-27.015

PURPOSE AND EFFECT: The purpose of this rule development effort is to specify that the existing size limits on oysters will apply to oysters possessed in or on the waters of the state through landing. The actual size limit, with the current

tolerances for attached or unattached undersize oysters, is not being changed. The effect of this rule development effort should be to allow for the market-based grading of oysters by size in oyster processing facilities for shipment to wholesalers or retailers.

SUBJECT AREA TO BE ADDRESSED: Oyster size limit.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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 Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-27.015 Oyster Size Limit.

(1) Except as provided in subsection (3) of this rule, no person shall harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, or land, any oyster less than three (3) inches in greatest dimension. Oysters which are three (3) inches or more in greatest dimension shall be legal size.

(2) Each person harvesting oysters from the waters of this state shall cull such oysters, unless otherwise provided in this chapter, or unless otherwise permitted by the Department for the purpose of planting or relaying as provided by law.

(3) Tolerances. There shall be two types of tolerances allowed with regard to the size of oysters harvested in or on waters of the state.

(a) Tolerance for Attached Oysters. In instances in which culled oysters less than three (3) inches in greatest dimension are attached to legal size oysters such that to separate them would destroy either oyster, a person may harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, and land such undersize attached oysters provided that such oysters number no more than 15% of the oysters in any bag or equivalent container. The legal size oysters to which the undersize oysters are attached shall be counted separately from the attached oysters.

(b) Tolerance for Individual, Unattached Oysters. A person may harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, and land oysters less than three (3) inches in greatest dimension, provided, that such oysters number no more than 5% of the oysters in any bag or equivalent container.

(4) For purposes of this rule, the term "land" means the physical act of bringing harvested oysters ashore.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Formerly 46-27.015, Amended

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Mullet

RULE TITLE: Definitions  
RULE NO.: 68B-39.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to shorten the length of the weekend closure on the commercial harvest of mullet by 16 hours each weekend between July 1 through January 31 each year. The effect of this effort should be to give commercial mullet harvesters additional valuable fishing opportunities during the time of year when mullet harvest is most efficient and profitable.

SUBJECT AREA TO BE ADDRESSED: Mullet commercial harvest.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) "Weekend" means that portion of a week commencing at ~~12:01 a.m. 4:00 p.m.~~ on ~~Saturday Friday~~ and ending at ~~12:01 8:00~~ a.m. the following Monday.

PROPOSED EFFECTIVE DATE: July 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, Amended 7-1-02.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Marine Life

RULE TITLE: Purpose and Intent; Designation of  
RULE NO.: 68B-42.001

Restricted Species; Definition of "Marine Life Species"

PURPOSE AND EFFECT: The purpose of this rule development effort is to except the ocean triggerfish (*Canthidermis sufflamen*) from operation of the chapter and to correct the scientific reference to the family of triggerfishes to which the chapter is supposed to apply. The effect of this effort will be to allow the harvest of the ocean triggerfish as a food item and clarify those species in the Family that should be considered part of the ornamental tropical fish trade.

SUBJECT AREA TO BE ADDRESSED: Definition of "Marine Life Species" and Ocean Triggerfish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".

(1) No change.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) through (aa) No change.

(bb) Filefish/triggerfish - Any species of the Family Balistidae ~~Balistes~~, except gray triggerfish, Balistes ~~Balistidae~~ capricus and ocean triggerfish, Canthidermis sufflamen.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, Amended \_\_\_\_\_.

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.006 Procedure for Licensing Transferred Cemeteries.

(1) Application. When a person, a group of persons or a corporation proposes to purchase or acquire control of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, such person shall file an Application For Authority To Acquire Control Of An Existing Cemetery Company, Form DBF-F-35, effective \_\_\_\_\_, and ~~October 23, 1991, which is~~ hereby incorporated by reference. This application shall be accompanied by a non-refundable application fee of \$5,000.

(2) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History-New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended \_\_\_\_\_.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Procedure for Licensing Transferred Cemeteries

RULE NO.: 3F-5.006

PURPOSE AND EFFECT: This rule is being amended to incorporate by reference an updated version of Form DBF-F-35, Application for Authority to Acquire Control of an Existing Cemetery Company.

SUMMARY: This rule sets out the procedures for a person, group of persons, or corporation to acquire control of an existing cemetery company and states the fee requirements for same.

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 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: 497.103 FS.

LAW IMPLEMENTED: 497.201(1), 497.209 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

June 8, 2001

DEPARTMENT OF INSURANCE

RULE TITLES:

|  |           |
|--|-----------|
| Purpose and Scope  | 4-128.001 |
| Definitions  | 4-128.002 |
| Initial Privacy Notice to Consumers Required   | 4-128.005 |
| Annual Privacy Notice to Customers Required  | 4-128.006 |
| Information to be Included in Privacy Notices  | 4-128.007 |
| Form of Opt Out Notice to Consumers and Opt Out Methods  | 4-128.008 |
| Revised Privacy Notices  | 4-128.009 |
| Delivery   | 4-128.010 |
| Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties  | 4-128.011 |
| Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information   | 4-128.012 |
| Limits on Sharing Account Number Information for Marketing Purposes  | 4-128.013 |
| Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing             | 4-128.014 |
| Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions | 4-128.015 |