

SPECIFIC AUTHORITY: 466.004(4) FS.
 LAW IMPLEMENTED: 466.026(1)(a), 466.028(1)(g),(bb) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE BOARD'S NEXT MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m. or shortly thereafter, May 16, 2003
 PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700
 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 #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.010 Unlicensed Practice of Dentistry.

For the purposes of interpreting Sections 466.003(3), 466.026(1)(a), and 466.028(1)(g)(bb), F.S., the Board shall not consider it to be the unlicensed practice of dentistry for an unlicensed person to furnish, supply, construct or reproduce an appliance to be worn in the human mouth or to verify the patient's shade-selection outside the dentist's direct supervision for fixed partial prosthesis if:

- (1) through (2) No change.
- (3) The appliance does not adjust or otherwise affect the natural features of the face or mouth or affect any appliance placed in the mouth by a licensed dentist; ~~and~~
- (4) No change.
- (5) The request for the shade verification is accompanied by a prescription form or work order written by a licensed dentist to meet the requirements of Section 466.021, Florida Statutes;
- (6) The dentist has previously completed the initial shade selection;
- (7) The shade verification site is approved by the dentist and meets all requirements of Sections 466.028(1)(u), 466.031(1) and 466.032(1), Florida Statutes;
- (8) During shade verification, no appliances or prosthetic devices are to be placed, removed or sealed in the oral cavity at the site except by a licensed dentist on a patient of record in accordance with the requirements of Sections 466.024(5) and 466.028(1)(m), Florida Statutes;
- (9) During shade verification, contact to the patient is limited to visual contact only;
- (10) During shade verification, soft or hard tissue shall not be manipulated;

(11) During shade verification, the patient shall be instructed on how to retract his or her own lip, and the shade tab shall only be held in proximity, but without physical contact to the patient's dentition; and.

(12) During shade verification, photography shall be limited to the patient's visible dentition during smile and the patient's dentition with the patient retracting their lips.

Specific Authority 466.004(4) FS. Law Implemented 466.026(1)(a), 466.028(1)(g),(bb) FS. History--New 9-5-91, Formerly 21G-17.010, 61F5-17.010, Amended 5-9-95, Formerly 59Q-17.010, Amended _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: RULE NO.:

Division of Cultural Affairs IT-1.001

PURPOSE AND EFFECT: The purpose of these amendments are to incorporate program changes to the Cultural Support Grants Program and revisions to forms used in administration of program-based grants to organizations.

SUMMARY: The proposed rule amendment reflects changes to program eligibility, criteria and procedures pursuant to recommendations of the Florida Arts Council following a public task force evaluation. Changes to the Grant Report Form incorporate new grant data coding required by federal grantor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 6, 2003
 PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Bureau Chief, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (6) No change.

(7) Cultural Support Grants. The Cultural Support Grants program provides state recognition through competitive grants for significant public programs that preserve, strengthen, and foster excellence and diversity in art or culture for Florida's residents and visitors ~~The purpose of the Cultural Support Grant program is to foster excellence and diversity in art and culture for all the people in Florida.~~ This program area includes the programs formerly known as Discipline-Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two ~~primary~~ types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in three funding categories referred to as Levels. There will be an annual application cycle for submission of Specific Project proposals and a multi-year application cycle General Program Support funding with Levels 1 and 2 on a two-year cycle and Level 3 institutions being evaluated on a four-year cycle.

(a) Specific funding eligibility and maximum requests.

1. General Program Support Funding. In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non-capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. These categories include but are not limited to dance, folk arts, interdisciplinary, literature, media arts, multidisciplinary, museums, music, sponsor/presenter, theatre, visual arts, and discipline service. For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state-supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full-time staff member, whose responsibilities are solely for the organization's services and operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. Level 1. Revenues from the organization's last completed fiscal year must be greater than or equal to ~~\$25,000~~ \$25,000 ~~45,000~~. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$50,000. Youth

and Children's Museums as defined in 265.609, Florida Statutes may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000.

b. Level 2. Revenues from the organization's last completed fiscal year must be greater than or equal to \$500,000. Organizations must also have no less than three years of continuous programming history and at least one paid full-time employee. Eligible applications may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000.

c. Level 3. The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least ~~\$1,000,000~~ \$750,000. Disciplines requiring higher minimum budgets are: ~~\$1,000,000 for ballet companies and theatres;~~ \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters; \$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. Eligible applicants may request up to 10% of their eligible ~~four-year~~ 3-year average total fund revenue, not to exceed \$350,000, but must have sufficient non-state revenues to request at least \$100,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document by the application deadline that they have received accreditation by the American Association of Museums or the American Zoological Association.

d. The next application cycle for General Program Support will be for the fiscal year 2004-2005 funding for Levels 1 and 2, and fiscal year 2006-2007 funding for Level 3. Actual deadlines will be announced not less than three months in advance and may be staggered by discipline group over the prior fiscal year.

2. Specific Project applications may be submitted annually by any organization meeting the requirements of subsection (5). The proposal activity must meet the intent of the discipline category to which the application is submitted.

a. Organizations may request up to \$25,000 for each Special Project application submitted. ~~No more~~ More than two ~~one~~ Specific Project applications may be submitted, ~~but~~ No ~~no~~ more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.

b. Organizations ~~may not receive receiving~~ General Program Support from the Division of Cultural Affairs or the Division of Historical Resources ~~and are not eligible to receive funding for~~ a Specific Project through this program ~~in the same fiscal year.~~

c. No changes.

(b) Review criteria, scoring, and funding. Complete grant applications shall be evaluated by discipline based review panels according to the following criteria: Program Excellence, up to 50 points; Public Impact, up to 30 points; and Program Management, up to 20 points.

1. Organizations conducting 50% or more of their proposed cultural project or programming in a financially underserved county, or REDI qualified community, will be awarded three (3) additional points to their Public Impact ~~score, not to exceed thirty points~~ ~~criteria.~~ A financially underserved county is one that has received an average of less than \$10,000 in state cultural grant program funding in the last two state fiscal years preceding the deadline. REDI qualified means those counties or communities designated ~~as of the application deadline~~ pursuant to Sections 288.0656 and 288.06561, Florida Statutes.

2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to receive ~~funding for Specific Project applications; 80 points out of a maximum possible 100 points must be earned to receive funding for Level 1 and Level 2 General Program Support applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Level 3 General Program Support applications.~~ ~~General Program Support award~~ Award amounts recommended to the Council will be determined through the use of a funding ~~method that awards base funding to all applications achieving the minimum eligible Level score and adds competitive funds for those applications achieving higher scores~~ formula. ~~The formula considers the relative average application scores within a category and distributes funds available to each eligible applicant in a manner that rewards higher quality proposals with a higher percentage of requested funding.~~ All ~~General Program Support~~ applications earning ~~an eligible Level a panel average of 75.0 or higher~~ will receive funding under the formula of not less than ~~\$2,500~~ \$1,500. ~~Specific Project award recommendations to the Council will be determined by the review panel and will consider the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all Specific Project proposals that achieve the minimum average score of 75; those funded will receive funding of not less than \$2,500.~~

3. For this program, a complete application is one that has a fully completed Organization Grant Application Form (CA2E009, eff. 8/02), ~~incorporated by reference and available from the Division;~~ support documentation in the form of

financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions.

(8) through (18) No change.

(19) Grant Awards to Organizations. The Division shall be responsible for the administration of all grant awards as recommended by the Council with the approval of the Secretary, pursuant to Section 265.286, Florida Statutes. The annual grant period shall be July 1 through June 30, or any grant activity start and end date within that time frame as stated in the award documents, or an approved amendment.

(a) through (d) No change.

(e) Revisions to grant. The Division shall consider Grant Amendment Requests on the basis of adherence to the goals of the funded application. The Grantee shall be required to request prior written approval from the Division on a Grant Amendment Request Form (CA2E002, eff. /03), incorporated by reference and available from the Division, for the following changes to the grant:

1. through 2. No change.

3. Travel or equipment costs exceed the figure in the approved budget by more than 25 percent %.

4. through 5. No change.

6. Project start and end dates outside the established grant period. Project date change requests do not require use of Form CA2E002 and may be submitted in writing on grantee letterhead.

(f) No change.

(g) The grantee shall return all grant funds expended on disallowed activity or grant funds not matched as a result of disallowed expenditures for failure to comply with the provisions of paragraph (e) ~~below.~~ However, the Department shall allow an exception in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee, which prevent the timely notification of the request. These instances include but are not limited to natural disaster, death or serious illness of the individual responsible for the request, or mail service failure. Extenuating circumstances do not include failure to read or understand grant administrative requirements, the absence of a required form or inability to obtain an authorized signature, or other similar circumstances.

(h) through (l) No change.

(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Interim and

final reports shall be completed and submitted on the Grant Report Form (CA2E004, eff. 6/03 ~~8/02~~), incorporated by reference and available from the Division.

(n) through (s) No change.

(t) Any new applications will be declared ineligible if an organization is in non-compliance for failure to submit a required final report on ~~of~~ any Division application deadline.

(20) No change.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Downey, Bureau Chief, Division of Cultural Affairs, Florida Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Director, Division of Cultural Affairs, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and evaluation criteria.

SUMMARY: The proposed rule details the eligibility and evaluation criteria for the Division’s Cultural Facilities Program and incorporates by reference the most recent application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are not regulatory costs associated with the proposed rule.

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

SPECIFIC AUTHORITY: 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.286, 265.2861, 265.701, 286.011, 286.12, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., May 27, 2003

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to contact Valerie Ohlsson in writing at least 5 calendar days in advance of the workshop/meeting at the Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301. If you are hearing or speech impaired, please contact the Division of Cultural Affairs by using the Florida Relay Service, which can be reached at 711, or 1(800)955-8770 (Voice) or 1(800)955-8771 (TTD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (16) No change.

(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida’s support and funding of renovation, construction, or acquisition of cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) No change.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Cultural Facilities Program Application form (CA2EO20, eff. 6/03 ~~8/02~~), incorporated by reference and available from the Division.

2. through 6. No change.

7. An independent certified audit of the applicant’s financial records according to the following provisions:

a. Not-for-Profit, tax-exempt Florida corporations must submit copies of the applicant organization’s independent, certified audit or review for the last completed fiscal year. The publication date of the audit or review shall not be later than the date of the application deadline for which the audit or review is submitted.

b. No change.

8. through 9. No change.

(c) Funding Request.

1. through 2. No change.

3. An organization shall not submit a funding request to both the Cultural Facilities Program and the Regional Cultural Facilities Program for the same project, facility, site, or phase in the same fiscal year.

(d) through (e) No change.

(f) Application Review Committee Panel.

1. The application review committee panel shall review each eligible application based on the following criteria: Scope of Work (up to 15 points); Project Budget and Matching Funds (up to 25 points); Need for Program and Operating Forecast (up to 30 points); and Project Impact (up to 30 points).

2. No change.

3. The committee panel shall develop a priority list based on the average score for each application.

4. The committee panel shall submit the priority list to the Florida Arts Council for review and recommendation.

(g) through (j) No change.

(k) Grant Award Agreement. The Grant Award Agreement (CA2EO38, eff. 6/03 ~~8/02~~) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/00), incorporated by reference and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(l) The Division is authorized to further extend the provisions in section (10) of the Agreement in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

(m)~~(4)~~ No change.

(18) through (20) No change.

Specific Authority 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.701(4) FS. Law Implemented 215.97, 265.284, 265.286, 265.2861, 265.701, 286.011, 286.12, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Downey, Chief, Bureau of Grant Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Director of Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2003, Vol. 29, No. 13

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: RULE NO.:

Division of Cultural Affairs IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and evaluation criteria.

SUMMARY: The proposed rule details the criteria for eligibility and evaluation for the Division's Regional Cultural Facilities Program and incorporates by reference the latest application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are not regulatory costs associated with the proposed rule.

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

SPECIFIC AUTHORITY: 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.286, 265.2861, 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to contact Valerie Ohlsson in writing at least 5 calendar days in advance of the workshop/meeting at the Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301. If you are hearing or speech impaired, please contact the Division of Cultural Affairs by using the Florida Relay Service, which can be reached at 711 or 1(800)955-8770 (Voice) or 1(800)955-8771 (TTD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (19) No change.

(20) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) No change.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Regional Cultural Facilities Program Application Form (#CA2E101, eff. 6/03 12/02), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. through 7. No change.

8. An independent certified audit of the applicant's financial records. The publication date of the audit shall not be later than the date of the application for which the audit is submitted.

9. through 11. No change.

(c) Funding.

1. through 2. No change.

3. An organization shall not submit a funding request to both the Cultural Facilities Program and the Regional Cultural Facilities program for the same project, facility, site, or phase in the same fiscal year.

(d) through (e) No change.

(f) Application Review Committee Panel.

1. The application review committee Florida Arts Council shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least of 75 out of 100 possible points will be recommended for funding.

3. The committee panel shall develop a priority list based on the average score for each application.

4. The committee shall submit the priority list to the Florida Arts Council for review and recommendation.

~~5.4.~~ The Florida Art Council shall review the recommendations and submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) through (i) No change.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. 6/03 12/02), incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/00) incorporated by reference in subparagraph IT-1.001(17)(k)2., F.A.C., and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) The Division is authorized to further extend the provisions in section (10) of the Agreement in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

~~(l)(4)~~ No change.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Downey, Chief, Bureau of Grant Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Director of Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2003, Vol. 29, No. 13

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Exemption from the Act of Securities	
Purchased or Sold by Odd-lot Dealers	4-143.007
Certain Transactions Subject to	
Section 625.75 of the Act	4-143.008
Exemption of Long Term Profits Incident	
to Sales Within 6 Months of the	
Exercise of an Option	4-143.015

PURPOSE, EFFECT AND SUMMARY: In the year 1999 pursuant to legislative mandate, the Department of Insurance identified Rules 4-143.007, 4-143.008, and 4-143.015, F.A.C., as rules exceeding Department authority. In the year 2000 the legislature passed a law providing authority to adopt rules similar to Rules 4-143.007 and 4-143.015, F.A.C., establishing exemptions from the requirements of Sections 625.75 and 625.76, F.S. The existing rules deviate slightly from the statute. The amendment will conform the rules to the new statutory language. Rule 4-143.008, F.A.C., is being reworded to tie it to the existing statutory authority. Section 625.75, F.S. requires 10 percent shareholders of an insurer under certain circumstances to file a notice with the Department. Section 626.76, F.S., allows an insurer to recover profit resulting from a transaction by a 10 percent shareholder in certain

circumstances. Section 625.765, F.S., created in 2000, provides authority to make exemptions. The amendments to Rules 4-143.007 and 4-143.015, F.A.C., limit the exceptions provided in those rules to the scope of that authority.

Rule 4-143.008, F.A.C., as it exists has the effect of construing Section 625.75, F.S. to apply to transactions where options are used rather than stock ownership to acquire an interest in an insurer. The amended rule does the same thing but is worded in a way that is more explicitly tied to the underlying statute.

If these or similar changes are not made, the rules will be placed on the agenda for the next Joint Administrative Procedures Committee meeting to be subjected to criticism.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 624.308(1), 625.82 FS.

LAW IMPLEMENTED: 624.307(1), 625.75, 625.76, 625.78 FS.

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

TIME AND DATE: 9:00 a.m., May 28, 2003

PLACE: Room 601B, 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 program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lee Roddenberry, Bureau of Property and Casualty Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5200

THE FULL TEXT OF THE PROPOSED RULES IS:

4-143.007 Exemption from the Act of Securities Purchased or Sold by Odd-lot Dealers.

Transactions that are the result of sales of securities purchased or sold by an odd-lot dealers are exempt from the provisions of Sections 625.75 and 625.76, Florida Statutes.

~~(1) In odd lots so far as reasonably necessary to carry on odd lot transactions, or~~

~~(2) In round lots to offset odd lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of the Act with respect to participation by such odd lot dealer in such transactions.~~

Specific Authority ~~624.308(1), 625.76 625.82 FS. Law Implemented 624.307(1), 625.765 625.78 FS. History-New 4-23-66, Repromulgated 12-24-74, Formerly 4-19.07, 4-19.007, Amended _____.~~

4-143.008 Certain Transactions Subject to Section 625.75 of the Act.

The phrase "indirectly the beneficial owner" as used in Section 625.75, Florida Statutes, includes buying or selling any option respecting an interest in a domestic insurer. The acquisition or disposition of any transferable option, put, call, spread or straddle shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this section, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread or straddle.

Specific Authority ~~624.308(1), 625.82 FS. Law Implemented 624.307(1), 625.75 FS. History-New 4-23-66, Repromulgated 12-24-74, Formerly 4-19.08, 4-19.008, Amended _____.~~

4-143.015 Exemption of Long Term Profits Incident to Sales Within ~~6~~ Six Months of the Exercise of an Option.

Transactions that are not subject to Section 628.461, Florida Statutes, and that are the result of the following are exempt from Sections 625.75 and 625.76, Florida Statutes:

(1) Acquisitions of shares of stock and stock options under a stock bonus plan, stock option plan, or similar plan securities acquired by redeeming other securities by an insurer. To the extent specified in paragraph (2) of this section, the Commissioner hereby exempts as not comprehended within the purposes of Section 625.76, F.S., of the Act, any transaction or transactions involving the purchase and sale, or sale and purchase, of any equity security where such purchase is pursuant to the exercise of an option or similar right either:

~~(a) Acquired more than six months before its exercise, or~~

~~(b) Acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.~~

(2) Consolidations or mergers of insurers that hold over 85 percent of the companies being merged or consolidated; In respect of transactions specified in Paragraph (1) the profits inuring to the insurer shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this section shall be deemed to enlarge the amount of profit which would inure to such insurer in the absence of this section.

(3) Acquisitions or dispositions of an equity security involved in the deposit of the security under, or the withdrawal of the security from, a voting trust or deposit agreement; or The Commissioner also hereby exempts, as not comprehended within the purposes of Section 625.76, F.S., of the Act, the disposition of a security, purchased in a transaction specified in Paragraph (1) of this section, pursuant to a plan or agreement for merger or consolidation, or reclassification of the insurer's securities, or for the exchange of its securities for the securities

of another person which has acquired its assets, or which is in control, as defined in section 368(e) of the Internal Revenue Code of 1954, as amended, of a person which has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the insurer except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

(4) Conversions of an insurer's equity securities into another equity security of the same insurer. The exemptions provided by this section shall not apply to any transaction made unlawful by Section 625.77 of the Act or by any rules and regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this section shall rest upon the person claiming the exemption.

Specific Authority 624.308(1), 625.82 FS. Law Implemented 624.307(2), 625.76 FS. History—New 4-23-66, Repromulgated 12-24-74, Formerly 4-19.15, 4-19.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee Roddenberry, Bureau Chief, Bureau of Property and Casualty Insurer Solvency, Office of Insurance Regulation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF INSURANCE

RULE TITLES: RULE NOS.:

Part III Minimum Reserve Standards for Individual and Group Health Insurance Contracts	
Scope	4-154.201
Definitions	4-154.202
Categories of Reserves	4-154.203
Specific Minimum Standards for Morbidity, Mortality and Interest	4-154.204
Tables	4-154.210

PURPOSE, EFFECT AND SUMMARY: To update Health Reserves to be consistent with new NAIC Standards. This involves minimum reserve standards for individual group health insurance contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 FS.

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

TIME AND DATE: 9:00 a.m., May 28, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5038

THE FULL TEXT OF THE PROPOSED RULES IS:

4-154.201 Scope.

(1)(a) This rule chapter applies to all individual and group health insurance policies, including single premium credit disability insurance. All other credit insurance is not subject to this rule chapter. Credit disability is defined under Section 627.677(2), Florida Statutes except for credit disability insurance as defined under Section 627.677(2), Florida Statutes.

(b) No change.

(2) through (5) No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended.

4-154.202 Definitions.

As used in this rule chapter, the following terms have the following meaning:

(1) through (26) No change.

(27) Commonly Accepted Actuarial Practice. Practices consistent with standards of practice established by the Actuarial Standards Board as of December 31, 2002 ~~June 30, 1998~~ as embodied in "Actuarial Standards of Practice".

(28) through (31) No change.

(32) Rating Block. A grouping of contracts determined by the valuation actuary based on common characteristics, such as a policy form or forms having similar benefit designs.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended.

4-154.203 Categories of Reserves.

Adequacy of an insurer's health insurance reserves shall be determined on the basis of all three categories combined. However, these standards emphasize the importance of determining appropriate reserves for each of the three categories separately.

(1) Claim Reserves.

(a) No change.

(b) Minimum Standards for Claim Reserves.

1. No change.

~~2.~~ All Other Benefits.

~~a.~~ Interest. The maximum interest rate for claim reserves is specified in subsection 4-154.204(2), F.A.C.

~~b.~~ Morbidity or other Contingency. The reserve shall be based on the insurer's experience, if that experience is considered credible, or upon other assumptions used by the company designed to place a sound value on the liabilities.

~~c.~~ Claim Reserve Methods Generally.

~~(1)~~ A reserving method shall be used to estimate claim liabilities if it is:

~~(A)~~ A generally accepted actuarial reserving method following commonly accepted actuarial practice; or

~~(B)~~ A reasonable method approved by the Department after a public hearing prior to the statement date; or

~~(C)~~ A combination of these methods.

~~(II)~~ At its option, an insurer may estimate some of all of its claim liabilities either separately or by using aggregate methods. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves, however, shall be determined in the aggregate.

~~(2)~~ No change.

~~(3)~~ Contract Reserves.

(a) General.

1. Contract reserves shall be required, unless otherwise specified in subparagraph 2. below, for:

a. No change.

b. All individual and group contracts for which, due to the gross premium pricing structure at issue, the value of the future benefits at any time exceeds the value of any appropriate future valuation net premiums at that time.

(II)(A) This evaluation may be applied on a rating block basis if the total premiums for the block were developed to support the total risk assumed and expected expenses for the block each year, and a qualified actuary certifies the premium development.

(B) The actuary shall state in the certification that premiums for the rating block were developed such that each year's premium was intended to cover that year's costs without any prefunding.

(C) If the premium is also intended to recover costs for any prior years, the actuary shall also disclose the reasons for and magnitude of such recovery.

(III) The values specified in this sub-subparagraph shall be determined on the basis specified in paragraph (b) below entitled "Minimum Standards for Contract Reserves".

2. through 4. No change.

(b) Minimum Standards for Contract Reserves.

1. Basis.

a. Morbidity or other Contingency.

(I) No change.

(II) Contracts for which tabular morbidity standards are not specified in subsection 4-154.204(1), F.A.C., shall be valued using tables established for reserve purposes by a qualified actuary.

(A) The morbidity tables shall contain a pattern of incurred claims cost that reflects the underlying morbidity, and shall not be constructed for the primary purpose of minimizing reserves.

(B) Morbidity assumptions shall not include future morbidity improvement beyond the level of morbidity known and realized as of the valuation date, unless the assumption results in a larger reserve.

(c) No change.

(d) Tests for Adequacy and Reasonableness of Contract Reserves.

1. A review shall be made annually by a qualified actuary of the insurer's prospective contract liabilities on contracts valued by tabular reserves to determine the continuing adequacy and reasonableness of the tabular reserves, giving consideration to future gross premiums. If the review indicates that the prospective reserves are no longer adequate subject to the minimum standards at paragraph ~~(3)~~(4)(b) above, the insurer shall add increments to the tabular reserves in order to meet or exceed the minimum standard.

2. No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended _____

4-154.204 Specific Minimum Standards for Morbidity, Mortality and Interest.

Specific minimum standards for morbidity, mortality and interest which apply to claim reserves according to year of incurral and to contract reserves according to year of issue:

(1) Morbidity.

(a) Minimum morbidity standards for valuation of specified individual contract health insurance benefits are as follows:

1. Disability Income Benefits Due to Accident or Sickness.

a. No change.

b. Claim Reserves:

(I) For claims incurred on or before December 31, 2002, the minimum morbidity standard in effect for contract reserves on currently issued contracts as of the date the claim is incurred.

(II)(A) For claims incurred on or after January 1, 2003, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim termination rates multiplied by the following adjustment factors:

Duration	Adjustment Factor	Adjusted Termination Rates*
<u>Week</u>		
1	0.366	0.04831
2	0.366	0.04172
3	0.366	0.04063
4	0.366	0.04355
5	0.365	0.04088
6	0.365	0.04271
7	0.365	0.04380
8	0.365	0.04344
9	0.370	0.04292
10	0.370	0.04107
11	0.370	0.03848
12	0.370	0.03478
13	0.370	0.03034
<u>Month</u>		
4	0.391	0.08758
5	0.371	0.07346
6	0.435	0.07531
7	0.500	0.07245
8	0.564	0.06655
9	0.613	0.05520
10	0.663	0.04705
11	0.712	0.04486
12	0.756	0.04309
13	0.800	0.04080
14	0.844	0.03882
15	0.888	0.03730
16	0.932	0.03448
17	0.976	0.03026
18	1.020	0.02856
19	1.049	0.02518
20	1.078	0.02264
21	1.107	0.02104
22	1.136	0.01932
23	1.165	0.01865
24	1.195	0.01792
<u>Year</u>		
3	1.369	0.16839
4	1.204	0.10114
5	1.199	0.07434
6 and later	1.000	**

* The adjusted termination rates derived from the application of the adjustment factors to the DTS Valuation Table termination rates shown in exhibits 3a, 3b, 3c, 4, and 5 (Transactions of the Society of Actuaries (TSA) XXXVII, pp. 457-463) is displayed. The adjustment factors for age, elimination period, class, sex, and cause displayed in exhibits 3a, 3b, 3c, and 4 should be applied to the adjusted termination rates shown in this table.

** Applicable DTS Valuation Table duration rate from exhibits 3c and 4 (TSA XXXVII, pp. 462-463).

(B) The 85CIDA table so adjusted for the computation of claim reserves shall be known as 85CIDC (The 1985 Commissioners Individual Disability Table C).

2. through 4. No change.

5. Single Premium Credit Disability.

a. Contract Reserves:

(I) For contracts issued on or after January 1, 2003:

(A) For plans having less than a 30 day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12 percent.

(B) For plans having a 30 day and greater elimination period, the 85CIDA for a 14 day elimination period with the adjustment in Item (A).

(II) For contracts issued prior to January 1, 2003, each insurer may elect either Item (A) or (B) to use as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in Item (I), all future valuations must be on that basis.

(A) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or

(B) The standard as defined in Item (I), applied to all contracts.

b. Claim Reserves: Claim reserves are to be determined as provided in paragraph 4-154.203(1)(c), F.A.C.

6.5. No change.

(b) Minimum morbidity standards for valuation of specified group contract health insurance benefits shall be as follows:

1. No change.

2. Single Premium Credit Disability:

a. Contract Reserves:

(I) For contracts issued on or after January 1, 2003:

(A) For plans having less than a 30 day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12 percent.

(B) For plans having a 30 day and greater elimination period, the 85CIDA for a 14 day elimination period with the adjustment in item (A).

(II) For contracts issued prior to January 1, 2003, each insurer may elect to use either Item (I) or (II) as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in Item (I), all future valuations must be on that basis.

(A) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or

(B) The standard as defined in Item (I), applied to all contracts.

b. Claim Reserves: Claim reserves are to be determined as provided in paragraph 4-154.203(1)(c), F.A.C.

3.2. No change.

(c) No change.

(2) No change.

(3) Mortality.

(a) through (d) No change.

(e) For single premium credit insurance using the 85 CIDA table, no separate mortality shall be assumed.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended _____.

4-154.210 Tables.

(1) No change.

(2) The tables in subsection (1) above are available from the Bureau of Life & Health Insurer Solvency ~~and Market Conduct Review~~, 200 East Gaines Street, Tallahassee, Florida 32399-0327.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Workers' Compensation: Application and Audit Procedures

RULE NO.: 4-189.003

PURPOSE, EFFECT AND SUMMARY: To update Rule 4-189.003, F.A.C., due to changes required by SB 108. SB 108 requires that the application that insurers use be changed by including a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for the premium calculations. SB 108 also requires that the audit procedures insurers use be changed by mandating that at the completion of an audit, the employer or officer of the corporation and the auditor must print and sign their names on the audit document and attach proof of identification to the audit document.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

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

TIME AND DATE: 10:00 a.m., June 3, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Eaton, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3821

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.003 Workers' Compensation: Application and Audit Procedures.

(1) through (3) No change.

(4)(a)1. In order to ensure that the appropriate premium is charged for workers' compensation coverage, each employer and carrier shall comply with:

a. The requirements of Section 440.381, Florida Statutes; and

b. As applicable, with "Florida State Special Audit Rules", (rev. 7/02) (~~rev. 8/91~~) and with "Part Three – Service Providers D. Performance Standards for Service Providers" (rev. 7/02) "Florida Assigned Risk Audit Rules" (rev. 7/91) which are hereby adopted and incorporated by reference. The "Florida State Special Audit Rules" (rev. 8/91) and the "Florida State Assigned Risk Audit Rules" (rev. 7/91) of the National Council on Compensation Insurance are hereby adopted and incorporated by reference.

2.a. Copies of the "Florida State Special Audit Rules" (rev. 7/02) (~~rev. 8/91~~) and the "Florida Assigned Risk Audit Rules" (rev. 7/91) are contained in the workers' compensation manual issued by the National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, FL 33487.

b. Copies of Part Three – Service Providers D. Performance Standards for Service Providers" (rev. 7/02) are contained in the operations manual of the Florida Workers' Compensation Joint Underwriting Association, Inc., P. O. Box 48957, Sarasota, FL 34230-5937.

(b) through (e) No change.

(f) Signatures.

1.a. A carrier, in order to comply with the signature requirements as provided in Section 440.381(3), Florida Statutes, shall use, as applicable:

(I) Form OIRB1-____ (rev. 7/02) “Partner’s, Sole Proprietor’s or Corporate Officer’s Statement”;

(II) Form OIRB1-____ (rev. 7/02), “Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)”; and

(III) Form OIRB1-____ (rev. 7/02), “Auditor’s Statement”.

b. The forms adopted in this subsection (4) are hereby adopted and incorporated by reference and may be obtained from the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330, or on the Department of Financial Services’ web site at www.fldfs.com.

c. These forms shall be signed by the appropriate party and submitted to the carrier at the completion of an audit.

2.a. A carrier wishing to use its own signature forms shall submit the forms electronically to the Bureau of Property and Casualty Forms and Rates at <https://portal.fldfs.com>, and receive approval prior to use. Forms may also be submitted by mail to the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330.

b. At a minimum the forms shall contain all text as it appears on:

(I) Form OIRB1-____ (rev. 7/02) “Partner’s, Sole Proprietor’s or Corporate Officer’s Statement”;

(II) Form OIRB1-____ (rev. 7/02), “Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)”; and

(III) Form OIRB1-____ (rev. 7/02), “Auditor’s Statement”.

3. Electronic signature(s) shall be accepted in satisfaction of the signature requirements of Section 440.381(3), Florida Statutes. For purposes of this section, “electronic signature(s)” shall mean an electronic identifier, including a digital signature, which is:

a. Unique to the person using it;

b. Capable of verification;

c. Under the sole control of the person using it;

d. Attached to or associated with data contained within the audit document in such a manner that authenticates the attachment of the signature to particular data and integrity of the data transmitted;

e. Intended by the party using it to have the same force and effect as the use of a signature affixed by hand; and

f. Compliant with all applicable state and federal laws governing electronic signatures.

Specific Authority [624.308\(1\)](#), [440.381 FS](#). Law Implemented [440.381](#), [624.307](#), [624.308\(4\) FS](#). History—New 8-1-91, Formerly [4-28.007](#), Amended [10-3-95](#), [10-10-96](#), [1-15-98](#), [11-21-00](#), _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Eaton, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Kerns, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Records and Reports of Information by Workers’

RULE NO.:

Compensation Insurers Required 4-189.0055

PURPOSE, EFFECT AND SUMMARY: The rule is required by HB 1803 (2001), to implement reporting and recording duties of workers’ compensation insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: [624.308\(1\)](#), [627.914 FS](#).

LAW IMPLEMENTED: [624.307\(1\)](#), [627.914 FS](#).

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

TIME AND DATE: 9:00 a.m., June 3, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Watford, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5368

THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.0055 Records and Reports of Information by Workers’ Compensation Insurers Required.

(1) The Office shall use one or more designated workers’ compensation and employers’ liability insurance statistical agents as designated by the Office through the contract solicitation process.

(2) Each insurer and self-insurance fund as defined in Section 624.461, Florida Statutes, shall utilize the rules and statistical plans of the Office's designated statistical agents in the recording and reporting of loss, expense, and claims experience for workers' compensation insurance.

(3) Any changes or amendments to the statistical plans and rules of the Office's designated statistical agents are subject to approval by the Office prior to use by insurers and self-insurance funds for Florida experience.

Specific Authority 624.308(1), 627.914 FS. Law Implemented 624.307(1), 627.914 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Watford, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Forms Incorporated by Reference
PURPOSE, EFFECT AND SUMMARY: To adopt an updated version of Form OIR-A3-477 (Rev 07/02), "Minimum Liquid Reserve Calculation".

RULE NO.: 4-193.065

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308(1), 651.013, 651.015(1),(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-2490

THE FULL TEXT OF THE PROPOSED RULE IS:

4-193.065 Forms Incorporated by Reference.

(1) The following forms are incorporated into this rule chapter by reference to implement the provisions of Chapter 651, F.S.

(a) through (l) No change.

(m) Minimum Liquid Reserve Calculation OIR-A3 DOI4-477 (Rev-07/02-08/98)

(n) through (q) No change

(2) No change.

Specific Authority 624.308(1), 651.013, 651.015(1),(3) FS. Law Implemented 624.307(1), 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS. History--New 6-25-90, Formerly 4-45.035, Amended 7-16-92, 11-29-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Lulofs, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Bureau Chief, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Death Benefits
RULE CHAPTER NO.: 4A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index
RULE NO.: 4A-64.005

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2003-2004.

SUMMARY: This rule adopts new benefits for the one year period from July 1, 2003, through June 30, 2004, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 112.191 FS.
 LAW IMPLEMENTED: 112.191 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 9:00 a.m., May 28, 2003
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607, no later than 48 hours prior to the meeting or workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, Florida Statutes, requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment as of July 1 of each year. The amounts payable for the period from July 1, 2003, through June 30, 2004, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2003, which is the most recent month for which data is available as of the time of the adjustment, are ~~Since the effective date of the act is July 1, 2002, the statutory amount for the period from July 1, 2002 to June 30, 2003, shall be:~~

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, Florida Statutes: 51,138 ~~\$50,000.~~

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, Florida Statutes: 51,138 ~~\$50,000.~~

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, Florida Statutes: 153,415 ~~\$150,000.~~

(2) No change.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Appeals to the Office of the Secretary	33-103.007
Grievances of a Medical Nature	33-103.008
Classification of Grievances	33-103.013
Reasons for Return of Grievance or Appeal Without Processing	33-103.014

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for an administrative complaint process for submission of inmate complaints alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) in accordance with 45 C.F.R. 164.530.

SUMMARY: The proposed rules provide for the filing directly with the Office of the Secretary inmate complaints alleging violation of the Health Insurance Portability and Accountability Act (HIPAA).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 20.315, 944.09 FS., 45 CFR 164.530

LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164

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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-103.007 Appeals to the Office of the Secretary.

(1) through (5) No change.

(6) Direct Grievances.

(a) through (c) No change.

(d) Grievances alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, and shall

be responded to according to established time frames. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns HIPAA.

~~(e)~~ Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, or a grievance of a sensitive nature, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these three types of grievances.

(7) through (8) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, _____.

33-103.008 Grievance of Medical Nature.

(1) No change.

(2) If a grievance appeal of a medical nature or a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended _____.

33-103.013 Classification of Grievance.

Following receipt of the grievance or appeal, part C of Form DC1-303 shall be completed and sent to the inmate except for grievances returned for one or more of the reasons cited in Rule 33-103.014, F.A.C. The subject area of the receipt shall indicate the major topic area of the grievance or appeal according to the following classifications:

(1) through (6) No change.

(7) Medical and Dental – All complaints concerning medical, dental, psychiatric and psychological services, and HIPAA.

(8) through (15) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 12-22-92, 8-10-97, 2-17-99, Formerly 33-29.013, Amended _____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, grievance filed direct, or grievance appeal, hereafter referred to as “grievance” in this section of the rule may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) through (s) No change.

(t) The inmate had filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

(2) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Cash Meals and Special Group Meals

RULE NO.: 33-204.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to correct the reference to the agency responsible for setting the amount for meals provided to employees or volunteers.

SUMMARY: The proposed rule deletes unnecessary language and corrects the reference to the agency responsible for setting the amount for meals provided to employees or volunteers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.005 Cash Meals and Special Group Meals.

(1) The cost of meals for employees or volunteers shall be borne by the individual being provided with the meal, except as provided in subsection (2) of this section. Employees or volunteers served meals shall be charged the predetermined amount approved by the Department of Corrections Management Services for all meals. Meals shall be purchased with cash and the employee or volunteer will sign a "Daily Meal Roster", DC2-406, to indicate a meal was purchased and consumed by them. Persons eligible for free meals will be identified on the Daily Meal Roster by noting the words "no charge" next to the individual's signature. Form DC2-406 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. ~~Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is May 21, 2000.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-18-89, Formerly 33-30.005, Amended 5-21-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ethan Colchiski

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt a new form and make changes to a form used in conjunction with termination of probation and notification of the restoration of civil rights review process.

SUMMARY: The proposed rule incorporates a new form and revises a form used in conjunction with termination of probation and notification of the restoration of civil rights review process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.111 Early Termination of Supervision.

(1) through (2) No change.

(3) If the State Attorney's Office approves the recommendation, and the victim does not oppose the early termination, the officer shall prepare an Order Terminating Probation a Petition For and Termination of Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and reasons for recommending the early termination. Form DC3-257 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~November 26, 2001~~.

(4) No change.

(5) The officer shall notify the offender of the judge's decision upon receipt of the judge's response, and if the petition for early termination is granted, the officer will ~~review the restoration of civil rights process with the offender and provide the offender her or him~~ with a copy of Form DC3-257. If the offender was adjudicated guilty, the officer shall review the restoration of civil rights process with the offender. The officer and the offender shall sign and date Form NI1-027, Notification of Restoration of Civil Rights Review Process. In addition to Form DC3-257, the officer shall provide the offender with a termination of supervision letter and Form NI1-027. Form NI1-027 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
Resource Permits

RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated
by Reference

RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose of this proposed amendment is to conform the language in the Basis of Review for Environmental Resource Permits (B.O.R.) to the language contained within Rule 40D-4.042, F.A.C.

SUMMARY: Rule 40D-4.042, Florida Administrative Code (F.A.C.) has been amended to provide that a petitioner seeking a formal determination of wetlands or other surface waters may publish notice of the agency action in accordance with Rule 40D-1.1010, F.A.C. This change made the process for noticing petitions for formal wetland determinations consistent with the processes for noticing water use and environmental resource permit applications. This proposed rulemaking will amend the language in the B.O.R. to conform with Rule 40D-1.1010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.411, 373.413, 373.416, 373.429 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

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 with the Southwest Florida Water Management District, ~~September 26, 2002~~. 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, 10-1-99, 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, 10-11-01, 2-27-02, 7-29-02, 9-26-02, 3-26-03, _____.

**ENVIRONMENTAL RESOURCE PERMITTING
BASIS OF REVIEW
CHAPTER 3**

3.4.1 Procedure

To petition for a formal determination, the petitioner must submit to the District the following:

- (a) five copies of the Petition for Formal Determination as identified in Rule 40D-1.659, F.A.C., including copies of all items required by the form, and
- (b) the appropriate non-refundable formal determination fee pursuant to Rule 40D-1.607, F.A.C.

Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any missing or insufficient information in the petition documentation submitted which may be necessary to complete review of the petition.

~~The petitioner may~~ ~~District shall~~ publish the notice of ~~intended~~ agency action on the petition in a newspaper of general circulation in the county or counties where the property is located in accordance with Rule 40D-1.1010, F.A.C.

Sections 120.569 and 120.57, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action pursuant to Chapter 28-106, F.A.C. ~~If no request for an administrative hearing is filed, the Executive Director will then take final action on the petition for the formal determination.~~

The ~~District Executive Director~~ will only issue a formal determination if the petitioner has satisfied all the requirements of section 3.4. A person requesting a formal determination may withdraw the petition without prejudice at any point before final agency action.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

Resource Permits
 RULE TITLE: Transfer of Permits
 RULE NO.: 40D-4.351

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to clarify that the District will transfer the Environmental Resource Permit for a project in the event of a change in ownership or control regardless of whether the project is in the construction or the operation phase.

SUMMARY: Rule 40D-4.351(1), Florida Administrative Code (F.A.C.), provides for the transfer of an Environmental Resource Permit in the event there is sale or other transfer of the permitted surface water management system or the real property on which such system is located. The District routinely transfers Environmental Resource Permits for projects that are still in the construction phase and for projects that have been turned over to the operation phase.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.351, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-4.351 Transfer of Permits.
- (1) Transfer of Ownership.

(a) A permittee shall notify the District within 30 days of any sale, conveyance or any other transfer for a permitted surface water management system or the real property at which the system is located.

(b) The District will transfer the surface water management system construction permit or operation and maintenance permit provided the land use remains the same.

(c) The permittee transferring the permit shall continue to remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(2) Conversion to Operation Phase.

(a) In order to convert an environmental resource permit from the construction phase to the operational phase, the permittee shall submit the following:

1. The Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C.; and

2. Documentary evidence of satisfaction of permit conditions, other than long-term monitoring.

(b) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in the "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District – October 3, 1995" has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Advanced Registered Nurse Practitioner Services
 RULE NO.: 59G-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and

Limitations Handbook, Appendix D. The effect will be to update the fee schedule, effective March 2003, in the current Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to revise the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, Appendix D. The Handbook revision includes an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~ which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, 2-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Birth Center Services

RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, Appendixes A and B. The effect will be to update the fee schedules, effective March 2003, in the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to revise the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, Appendixes A and B. The Handbook revision includes an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 383.335, 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, March 2003 ~~January 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500

and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History--New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services
RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, Appendix A. The effect will be to update the fee schedule, effective March 2003, in the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to revise the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, Appendix A. The Handbook revision includes an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, ~~March 2003~~ ~~January 2002~~ ~~and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services
RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Dental Services Coverage and Limitations Handbook, Appendixes B and C. The effect will be to update the fee schedules, effective March 2003, in the current Florida Medicaid Dental Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Dental Services Coverage and Limitations Handbook, Appendixes B and C. The Handbook revisions include an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Millard Howard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~, and Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millard Howard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services
 RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Hearing Services Coverage and Limitations Handbook, Appendix A. The effect will be to update the fee schedule, effective March 2003, in the current Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Hearing Services Coverage and Limitations Handbook, Appendix A. The Handbook revision includes an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All hearing services providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, March 2003 ~~January 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services
 RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Optometric Services Coverage and Limitations Handbook, Appendixes A and B. The effect will be to update the fee schedules, effective March 2003, in the current Florida Medicaid Optometric Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Optometric Services Coverage and Limitations Handbook, Appendixes A and B. The Handbook revisions include and updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Podiatry Services
 RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, Appendix A. The effect will be to update the fee schedule, in the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, Appendix A. The Handbook revisions include an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, March 2003 ~~January 2002 and April~~

2002, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Jackson
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Services
RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Physician Services Coverage and Limitations Handbook, Appendixes J and I. The effect will be to update the fee schedules, effective March 2003, in the current Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Physician Services Coverage and Limitations Handbook, Appendixes J and I. The Handbook revisions include an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Metz
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Assistant Services
RULE NO.: 59G-4.231

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, Appendix D. The effect will be to update the fee schedule, effective March 2003, in the current Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, Appendix D. The Handbook revisions include an updated fee schedule beginning March 1, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M. D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services

RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, Appendix B. The effect will be to update the fee schedule,

effective March 2003, in the current Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, Appendix B. The Handbook revisions include an updated fee schedule beginning March 1, 2003.

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: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeleine Nobles, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7326

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, March 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeleine Nobles

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 14, 2003

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS.
 History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93,
 Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00,
 1-23-02, 2-20-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Medicaid Visual Services Coverage and Limitations Handbook, Appendix A. The effect will be to update the fee schedule, effective March 2003, in the current Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to revise the Florida Medicaid Visual Services Coverage and Limitations Handbook, Appendix A. The Handbook revision includes an updated fee schedule beginning March 1, 2003

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, March 2003 ~~January 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up- 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Certification of Specialty Structure
 RULE NO.: 61G4-15.015

PURPOSE AND EFFECT: The Board proposes to review and amend the language discussing certification of specialty structure contractors.

SUMMARY: The rule amends language defining the scope of a specialty structure contractors' practice.

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: 489.113(6), 489.115(4) 120.53 FS.

LAW IMPLEMENTED: 489.113(6), 489.115(4), 120.53 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.015 Certification of Specialty Structure Contractors.

(1) No change.

(2) Definition.

(a) "Specialty Structure Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with

accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors, windows, hurricane protection devices, and allied construction materials.

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing mobile home panel roof-overs, residential glass window and door enclosures, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum fences, window and door opening windstorm protective devices and features, single story self-contained aluminum utility storage structures (not to exceed 720 500 sq. ft.), residential sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies in Group R Residential buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of the window and door hurricane protection devices, except for impact resistant glazing, shall be unlimited.

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

Specific Authority 489.113(6), 489.115(4), 120.53 FS. Law Implemented 489.113(6), 489.115(4), 120.53 FS. History--New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Written Certification Examination Requirements
RULE NO.: 61G4-16.001

PURPOSE AND EFFECT: The Board proposes to review and amend the language to include the glass and glazing speciality.

SUMMARY: The rule amends the language to include the certification examination for glass and glazing specialty contractors.

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: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.001 Written Certification Examination Requirements.

(1) through (18) No change.

(19) Certification Examination for Glass and Glazing Specialty Contractor.

(a) Areas of Competency. The Certification Examination shall consist of two tests.

1. Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in Rule 61G4-16.001(19), F.A.C.

2. Test two shall consist of questions relating to general knowledge of the glass and glazing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 35% Preconstruction Activities
- b. 20% Fabricating Product
- c. 5% Transporting Product
- d. 35% Installing Product
- e. 5% Servicing Product

3. For purpose of this rule, Product is defined as curtain walls, decorative glass and glazing, glass and aluminum doors, glass, glass floors, glass railings, interior glass and glazing, mirrors, overhead glazing, panels and miscellaneous metals, shower doors, store fronts, structural glass (frameless) and windows.

(19) through (21) renumbered (20) through (22) No change.

Specific Authority 455.217, 489.108 FS. Law Implemented 455.217, 489.113 FS. History--New 1-6-80, Amended 9-24-84, Formerly 21E-16.01, Amended 5-3-87, 10-4-87, 6-2-88, 12-19-88, 5-23-89, 8-23-89, 2-5-91, 1-29-92, 10-11-92, 5-2-93, Formerly 21E-16.001, Amended 10-17-93, 5-9-95, 11-28-95, 3-11-96, 11-13-97, 4-13-99, 9-12-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-13R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Drinking Water Standards, 62-550
 Monitoring, and Reporting

RULE TITLE: RULE NO.:

Requirements for Subpart H 62-550.817
 Surface Water Systems

SUMMARY: The Department is incorporating the U.S. Environmental Protection Agency’s Filter Backwash Recycling Rule into the Department’s drinking water rules, Chapter 62-550, F.A.C., under the federal fast track provision of Section 403.8055, F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

For more information, contact: Greg Parker, P.E., (850)245-8635.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-54R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Permitting, Construction, Operation, 62-555
 and Maintenance of Public Water Systems

RULE TITLES: RULE NOS.:

Source and Siting Requirements for 62-555.310
 Public Water Systems

Location of Public Water System Wells 62-555.312

Location of Public Water System Mains 62-555.314

Public Water System Wells – Security; 62-555.315
 Number; Capacity; Under the Direct
 Influence of Surface Water; Control of
 Copper Pipe Corrosion and Black Water;
 and Disinfection and Bacteriological
 Surveys and Evaluations

Design and Construction of Public Water Systems 62-555.320

Prohibition on Use of Lead Pipe, Solder, and Flux 62-555.322

Fluoridation 62-555.325

Engineering References for Public Water Systems 62-555.330

Guidance Documents for Public Water Systems 62-555.335

Disinfection and Bacteriological Evaluation 62-555.340
 of Public Water System Components

Certification of Construction Completion 62-555.345
 and Clearance for Public Water
 System Components

Planning for Expansion of Public Water 62-555.348
 System Source, Treatment,
 or Storage Facilities

Operation and Maintenance of 62-555.350
 Public Water Systems

New Water System Capacity Development 62-555.357
 Financial and Managerial Operations Plans

Cross-Connection Control for 62-555.360
 Public Water Systems

Changes in Ownership of Public Water Systems 62-555.365

General Permit for Construction of Lead or 62-555.401
 Copper Corrosion Control, or Iron or
 Manganese Sequestration, Treatment

Facilities for Small or Medium 62-555.401
 Public Water Systems

General Permit for Construction of Water 62-555.405
 Main Extensions for Public Water Systems

General 62-555.500

Public Water Supply Well Construction Permit 62-555.510

Applying for Public Water System 62-555.520
 Construction Permits

Capacity Development Provisions of 62-555.525
 Public Water System Permitting

Capacity Assessment for Transfer Systems 62-555.527

Applying for Reratings of Public Water 62-555.528
 System Treatment Plants

Processing Applications or Notices for, and 62-555.530
 Issuing or Denying, Public Water
 System Construction Permits

Conditions for Specific Construction 62-555.533
 Permits for Public Water Systems

Modification, Transfer, or Revocation of 62-555.536
 Public Water System Construction Permits

General Permit for the Construction of an 62-555.540
 Extension to a Public Drinking
 Water Distribution System

Forms and Instructions 62-555.900

SUMMARY: The Department is clarifying, amending, and adding design, construction, operation, and maintenance requirements for public water systems (PWSs) and is amending and adding forms concerning operation of PWSs. The Department is clarifying and amending general construction permits for PWSs; is clarifying, amending, and streamlining construction permitting procedures for PWSs; and is amending forms concerning permitting of PWSs. Additionally, the Department is reformatting a form concerning asbestos monitoring in PWSs and is amending and deleting forms concerning control of lead and copper by PWSs.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

For more information, call: John R. Sowerby, P.E., (850)245-8637.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

DOCKET NO.: 01-39R

RULE CHAPTER TITLE: Florida Greenways and Trails Program

RULE CHAPTER NO.: 62S-1

RULE TITLES: Definitions

RULE NOS.: 62S-1.100

Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails

62S-1.300

Modification of Approved Acquisition Projects

62S-1.350

Designation of Public Conservation or Recreation Lands and Waterways

62S-1.400

Designation Process for Private Lands and Waterways

62S-1.450

SUMMARY: The proposed amendments to this rule will: add and clarify definitions to the rule; substantially reword Rule 62S-1.300, F.A.C., the solicitation, evaluation, and selection process for acquisition of greenways and trails; substantially reword Rule 62S-1.350, F.A.C., the modification of approved acquisition projects; modify some of the criteria in Rule 62S-1.400, F.A.C., designation process for public conservation or recreation lands and waterways; modify some of the criteria in Rule 62S-1.450, F.A.C., designation process for private lands and waterways; and modify and clarify the forms associated with these rules.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information call Cynthia Radford, (850)245-2052.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

DOCKET NO.:02-37R

RULE CHAPTER TITLE: Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area

RULE CHAPTER NO.: 62S-3

RULE TITLE: Determinations and Applicability of Fines

RULE NO.: 62S-3.003

SUMMARY: Notice of the proposed changes to Rule 62S-3 by the Office of Greenways and Trails. Changes include the clarification of the fine schedule for rule infractions.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

For more information call Samantha Browne, (850)245-2052.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: Licensing, Application, Permitting

RULE NOS.: 64F-12.015

Fees 64F-12.018

PURPOSE AND EFFECT: To delete redundant language in the rule regarding the amount of a bond required by statute. This will allow flexibility with respect to the bond requirement such as possible legislation, which may go into effect July 1, 2003. If the bill does not pass the proposed rule validly reflects whatever bond amount is required by law to be submitted with an application.

SUMMARY: The rule setting forth various fees under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, ("the Act") currently identifies the fee for the refundable bond that a prescription drug wholesaler must submit with an application for a prescription drug wholesaler permit. This proposed rule will delete that amount, instead relying solely on the statutory provision that sets the bond amount, and provide for the possibility in statute of a bond for an out-of-state prescription drug wholesaler.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The department did not prepare a statement of estimated regulatory cost because the rule itself does not have cost, it defers to the amount of the bond set forth in statutes.

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: 499.05 FS.

LAW IMPLEMENTED: 499.012 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 3, 2003

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of person regulated under Part I of Chapter 499, F.S.

(1) through (6) No change.

(7) WHOLESALER PERMITS.

(a) No change.

(b) The Prescription Drug Wholesaler’s bond and the bond for an out-of-state prescription drug wholesaler, if applicable, will be transferred by the department to subsequent permits issued pursuant to renewal applications if the bond or other equivalent means of security is in a form that will allow for such transfer. The bond will be refunded to the prescription drug wholesaler, without interest, consistent with the provisions of s. 499.012(2), F.S. upon notification of the closing of the prescription drug wholesale business and return of the permit as required in s. 499.01(4)(d), F.S., and Rule 64F-12.015(5). In order for another means of security to satisfy the bond requirement, the security must be in a form that the applicant or permittee cannot revoke, withdraw, cancel, or otherwise reduce the department’s interest until the conditions upon which the bond can be refunded or released, as set forth in s. 499.012(2), F.S., have been satisfied.

(c) through (f) No change.

(8) through (9) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History–New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-18-01, 10-29-02, _____.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

<u>Description of other service fees</u>	<u>Fee</u>
Initial Application/On-site Inspection	\$150

(The initial application/on-site inspection fee is non-refundable.)

Prescription Drug Wholesaler Bond or Out-of-State Prescription Drug Wholesaler Bond, if applicable, as set forth in s. 499.012(2), (refundable) \$200

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$ 20 *

* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$ -0-
Free Sale Certificate	\$ 25
Signature copy (requested concurrently)	\$ 2
Delinquent Establishment Permit Renewal	\$100
(5) No change.	

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History–New 7-1-96, Formerly 10D-45.0544, Amended 4-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annie R. Neasman, R.N., M.S., Deputy Secretary for Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
PART V GROUP HEALTH INSURANCE POLICIES	
4-154.402	Applicability and Scope
4-154.403	Definition of Terms
4-154.404	Certificate of Creditable Coverage
4-154.405	Alternative Method of Determining Creditable Coverage
4-154.406	Demonstration of Creditable Coverage if Certificate is Not Provided
4-154.407	Notice of Plan’s Pre-existing Condition Exclusion Period
4-154.4071	Pre-Existing Condition
4-154.408	Special Enrollment Period Notification
4-154.411	Prohibited Discrimination
4-154.412	Group Conversion Election and Premium Notice Form