

65C-24.012 Determining the Amount of the Monthly Benefit Payment.

(1) Statutory Requirements. Subsection 39.5085(2)(d), F.S., provides that the amount of the Relative Caregiver Program benefit payment shall be based on the child's age within a payment schedule established by rule of the department, and subject to availability of funding. The subsection further provides that the statewide average monthly rate under the program for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing Relative Caregiver Program assistance to any relative caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care. See Attachment 1 to this chapter: Statewide Average Foster Care Rate; and Attachment 2 to this chapter: Relative Caregiver Payment Standards.

(2) Financial eligibility is determined by a comparison of the income, assets and needs of the child to the Relative Caregiver Program benefit payment standard in 65C-24.012(4), F.A.C., that is applicable to the child's age.

(3) The statewide average monthly foster care rate is as follows:

<u>AGE</u>	<u>RATE</u>
<u>0 through 5</u>	<u>\$345</u>
<u>6 through 12</u>	<u>\$355</u>
<u>13 to 18</u>	<u>\$425</u>

(4) Monthly Relative Caregiver Program Payment Schedule by Age Categories. The basic monthly benefit payment schedule (not including Medicaid, family support and preservation services, flexible funds utilized in accordance with s. 409.165, F.S., subsidized child care, and other services which may be available through the department or other local, state or federal programs), based on the age of the child shall be:

Maximum = 82% of the statewide average foster care (board) rate.

<u>AGE</u>	<u>RATE</u>	<u>AMOUNT</u>
<u>0 through 5 years</u>	<u>70% of maximum</u>	<u>\$242</u>
<u>6 through 12 years</u>	<u>70% of maximum</u>	<u>\$249</u>
<u>3 to 18 years</u>	<u>70% of maximum</u>	<u>\$298</u>

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
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NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Margaret Taylor, Chief, Revenue Maximization Program Office, 1317 Winewood Blvd., Bldg. 8, Tallahassee FL 32399-0700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE CHAPTER NO.: 4-154
RULE CHAPTER TITLE: Minimum Reserve Standards for Individual and Group Health Insurance

AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 24, No. 41, October 9, 1998, of the Florida Administrative Weekly, and amended in Vol. 25, No. 1, January 8, 1999:

The definition "Reasonable Method" it should be "(30) Reasonable Method" not "(26) Reasonable Method". The definition "Reasonable Assumptions for Contract Reserves" it should read "(31) Reasonable Assumptions for Contract Reserves" not "(27) Reasonable Assumptions for Contract Reserves".

4-154.204(2) should read 4-154.204(2)(a).

The remainder of the rule will read as published.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-11
RULE CHAPTER TITLE: Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments

RULE NOS.:	RULE TITLES:
9J-11.004	Submittal Requirements for Proposed Local Government Comprehensive Plans
9J-11.006	Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments
9J-11.008	Action Upon Receipt or Non-Receipt of Proposed Local Government Comprehensive Plan
9J-11.009	Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment
9J-11.010	Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment
9J-11.011	Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review
9J-11.012	Compliance Review and Notice of Intent
9J-11.0131	Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department
9J-11.015	Submittal Requirements for Adopted Small Scale Development Amendments.
9J-11.018	Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments
9J-11.019	Action to Require Local Government to Submit Land Development Regulations for Review
9J-11.021	Action if Local Government Has Failed to Adopt the Required Land Development Regulations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 45, November 6, 1998 issue of the Florida Administrative Weekly.

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

(1) No change.

(2) All comprehensive plan materials, including graphic and textual materials and support documents shall be submitted directly to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1),(4)(b),(7),(9), 163.3184(2),(3),(14),(15), 163.3191 FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96,_____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) Each proposed amendment including applicable supporting documents which include data and analyses shall be submitted directly to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection. Proposed plan amendments, except those discussed under the exemption provisions of Rule 9J-11.006(1)(a)7., Florida Administrative Code, below, shall be consolidated into a single submission for each of the two plan amendments adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, Florida Statutes, shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, Florida Administrative Code, must be followed.

For each proposed plan amendment submittal package, the local governing body shall submit:

(a) No change.

1. No change.

2. The date or dates on which the local governing body held the public hearing at which the transmittal of the plan amendment to the Department was approved and the date that the proposed amendment and one copy of each item specified under Rules 9J-11.006(1)(a), (b), (c) and (d), Florida Administrative Code, was submitted to the appropriate regional planning council and water management district(s), and Department of Transportation and Department of Environmental Protection. ~~When submitting EAR based proposed amendments pursuant to Section 163.3191(4), Florida Statutes, the local government must certify that copies of the adopted EAR have been provided to the appropriate regional planning council, water management district, Department of Transportation, and the Department of Environmental Protection;~~

3. through 6. No change.

7. Whether the proposed amendment is one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments and the facts and circumstances which cause the amendment to be considered as one of the following exemptions:

a. Directly related to a proposed development of regional impact pursuant to Chapter 380, Florida Statutes, including changes which are determined to be substantial deviations and Florida Quality Developments. In order for an amendment to be exempt from the twice-a-year amendment restriction under the development-of-regional-impact provision, the amendment must have been transmitted and adopted pursuant to Paragraph 380.06(6)(b), Florida Statutes. The comprehensive plan, elements and amendments shall be adopted by ordinance at the public hearings required by Paragraph 380.06(6)(b), Florida Statutes, after the notices required by Paragraphs 163.3184(15)(b) and (c), and Section 380.06(6)(b), Florida Statutes. A copy of the transmittal letter to the regional planning council applying for development approval shall accompany the development of regional impact amendment when submitted to the Department;

b. Directly related to proposed small scale development activities pursuant to Subsection 163.3187(1)(c), Florida Statutes;

c. An emergency as defined in Subsection 163.3187(1)(a), Florida Statutes. In the case of an emergency, the transmittal of the amendment must be unanimously approved by the local governing body. The transmittal shall include a statement which sets forth the facts and circumstances justifying the emergency;

d. An amendment submitted to the Department pursuant to a compliance agreement;

e. Whether the amendment is directly related to an intergovernmental coordination element pursuant to Sub-subparagraph 163.3177(6)(h)1.a., b., c. and d., Florida Statutes;

f. An amendment submitted to the Department for the location of a state correctional facility;

g. An amendment submitted to the Department identifying the land use categories in which public schools are an allowable use pursuant to Subsection 163.3177(6)(a), Florida Statutes;

h. An amendment that changes the schedule in the capital improvement element, and any amendments directly related to the schedule pursuant to Subsection 163.3187(1)(f), Florida Statutes;

i. An amendment relating to an economic development project as defined under Section 403.973, Florida Statutes;

k. An amendment changing school concurrency service area boundary pursuant to Sub-paragraph 163.3180(12)(c)2., Florida Statutes;

8. through 10. No change.

(b) through (c) No change.

~~(d) Six copies of the adopted evaluation and appraisal report (EAR) when submitting the proposed EAR based amendments pursuant to Section 163.3191(4), Florida Statutes, or the local government shall certify that the EAR has been previously sent to the Department and each review agency as listed under Rule 9J-11.009(8)(a) through (h), Florida Administrative Code.~~

(2) No change.

~~(3) A local government may make no further amendments to the comprehensive plan after the date established by Rule 9J-33, Florida Administrative Code, for submittal of its adopted evaluation and appraisal report, unless the local government has submitted its evaluation and appraisal report to the Department and the Department has determined that it is sufficient or the amendment meets the requirements of subsection 163.3187(6), Florida Statutes.~~

~~(3)(4)~~ Local governments must make a determination on transmittal of proposed amendments related to developments of regional impact within 60 days of the filing of the application for development approval unless that time is extended by the developer.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96,_____.

9J-11.008 Action Upon Receipt or Non-Receipt of Proposed Local Government Comprehensive Plan.

(1) through (3) No change.

(4) When a local government has not submitted the comprehensive plan or all of the element(s) required in Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, or does not include one or more items required to be adopted pursuant to Rule 9J-5.005(1)(c), Florida Administrative Code, the Department shall notify the local government regarding the missing plan or element(s), within five working days of the due date established in Section 163.3167, Florida Statutes. This notification shall be sent from the Director, Division of Community Resource Planning and Management, to the chief elected official of the local government by certified mail, return receipt requested. A copy of the above referenced notification will be sent by the Department by certified mail, return receipt requested, to the appropriate regional planning council so that the regional planning council may provide at least a 90 calendar day written notice to the local government that they will assume the planning responsibility and shall proceed with preparation of the missing comprehensive plan, element(s) or item(s) by a specified date.

(a) No change.

(b) Prior to initiating the planning process, the regional planning council shall provide at least a 90 calendar day written notice to any local government whose comprehensive plan, element(s) or item(s) it is required to prepare, and specify the date that it will begin work on the missing comprehensive

plan, element(s) or item(s). A copy of this written notice from the regional planning council to the local government shall be mailed simultaneously to the affected local government and to the Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team.

(c) Before the adoption by the regional planning council of the comprehensive plan, element(s) or item(s) pursuant to Subsection 163.3167(3), Florida Statutes, the regional planning council shall transmit ten copies of the proposed comprehensive plan, element(s) or item(s), together with ten copies of support documents which include data and analyses used in formulating the plan, element(s) or item(s) or summaries of the support documents to the local government and the Department in accordance with the provisions of Section 163.3184, Florida Statutes. The Department's copies shall be transmitted to the Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team.

(d) through (e) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1)(b),(2),(3)(a),(b),(4),(5),(6)(a),(b),(c), 163.3187(2) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96,_____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) No change.

(2) When a proposed plan amendment submittal package includes all the information required by Rule 9J-11.006, Florida Administrative Code, the Department will send a notice to the local government, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection within five working days of receipt of the complete proposed amendment submittal package. The time period to determine whether a review will be done as specified in Subsections 163.3184(6)(a) and (b), Florida Statutes, will begin upon the transmittal by the local governing body to the Department, of a complete amendment submittal package. The transmittal date shall be the United States Mail postmark or other similar official transmittal date of the mail company. Hand delivered documents shall be considered transmitted on the date of receipt by the Division of Community Resource Planning and Management.

(3) through (4) No change.

(5) The appropriate regional planning council, an affected person, or the local government can request a review by submitting a written request to the Department with a notice to the local government, and any other person who has requested notice, within 30 days after transmittal of the complete amendment package by the local governing body to the Department. An affected person requesting a review must

provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person pursuant to Paragraph 163.3184(1)(a), Florida Statutes. The Department may reject a request to review by an individual if it determines there are insufficient or contrary facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team. The Department will notify the local government, the appropriate regional planning council, water management district(s), Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of the decision to review the amendment. If an affirmative decision is made to review the amendment, the Department will proceed with the review steps set out in Rule 9J-11.009(7), Florida Administrative Code.

(6) through (9) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96,_____.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) through (2) No change.

(3) The Department, within 30 calendar days after the deadline for receipt of written responses from the appropriate reviewing agencies listed in Rule 9J-11.009(3) and 9J-11.009(8), Florida Administrative Code, the Director, Division of Community Resource Planning and Management, or the Director's designee shall send its objections, recommendations and comments report to the local governing body. For the information of the local government, the Department will attach a copy of the written responses received from the reviewing agencies. The Department will send a copy of its objections, recommendations and comments report to the appropriate review agencies specified in Rules 9J-11.009(7), 9J-11.009(8) and 9J-11.010(5), Florida Administrative Code.

(4) through (6) No change.

(7) For plan amendments, the appropriate regional planning council, water management district(s), Department of Transportation, ~~and~~ Department of Environmental Protection and the public are required by Section 163.3184(4), Florida Statutes, to provide a written response to the Department within 30 calendar days from initiation of the review of the proposed amendment. The initiation of the review period shall be based upon the estimated receipt date of the complete amendment by other review agencies as named in Rule 9J-11.009(7), Florida Administrative Code. This time period is established under Rule 9J-11.010(8), Florida Administrative

Code, and will be provided to the above noted agencies by the Department's notice under Rule 9J-11.009(3), (4) or (5), Florida Administrative Code.

(8) The review agencies and local governments pursuant to Rule 9J-11.009(7) or (8), Florida Administrative Code, as applicable, are required to provide pursuant to Section 163.3184(4), Florida Statutes, a written response to the Department. Such response must be signed by an agency head or authorized individual(s). The written response shall be addressed to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team. The date the agencies and governments receive the plan, element or amendments shall be deemed to be the fifth calendar day after the day the Department mails the plan, element or amendments. The Department shall calculate the response deadlines for the agencies and governments from this estimated receipt date.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96,_____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (4) No change.

(5) Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to Subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, effective date and plan amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with Rule 9J-5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to Rules 9J-11.004(2)(c), 9J-11.006(1)(b) or 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis

must reflect the best data available at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:

(a) through (g) No change.

(6) No change.

(7) In the case where the local government makes the determination not to adopt a proposed plan amendment, a letter must be sent to the Department within five working days to inform the Department of this decision. This letter shall be sent to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team.

(8) In the case where the local government adopts corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates pursuant to Subsection 163.3177(3)(b), Florida Statutes, a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. If a local government adopts corrections, updates, or modifications of current costs in other elements which were set out as part of the comprehensive plan, a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. Copies of the referenced executed ordinances in this section of Rule 9J-11.011, Florida Administrative Code, shall be sent to the Florida Department of Community Affairs, Division of

~~Community Resource Planning and Management~~, Plan Processing Team and will not be subject to a compliance review.

(9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, Florida Statutes. They shall include the following language in the adoption ordinance for plan amendments other than small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team.

An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3177(9), 163.3184(1)(b),(2),(6),(7),(15),(16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (2) No change.

(3) A copy of the Notice of Intent will be mailed to the local government, the review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and to persons who request a copy of the notice. Requests for a copy of a Notice of Intent shall be in writing and shall be sent directly to the Florida Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, Plan Processing Team and shall specify the plan or amendment by the name of the local government and by ordinance number or other formal designation.

(4) The Notice of Intent shall be issued by the Director of the Division of ~~Community Resource Planning and Management~~, Department of Community Affairs or authorized designee.

(5) through (6) No change.

(7) If a Notice of Intent is issued to find the adopted plan or amendment in compliance, any affected person, within 21 calendar days after the publication of notice pursuant to Rule

9J-11.012(4), Florida Administrative Code, may file a petition challenging the determination of compliance with the Department pursuant to Section 120.57, Florida Statutes. Subsequent to the Notice of Intent and after the matter has been forwarded to the Division of Administrative Hearings pursuant to Subsections 163.3184(8) or (10), Florida Statutes, the local government proposing the amendment, or any party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceeding by serving written notice on all parties to the proceeding and the assigned administrative law judge hearing officer.

(a) The petition shall be filed with the Agency Clerk, Department of Community Affairs pursuant to the provisions of Rule 28-106.201, Florida Administrative Code. ~~Each petition shall be typewritten or otherwise duplicated in legible form on white paper of standard letter size. Unless printed, the impression shall be on one side of the paper only and lines shall be double spaced and indented. Each petition shall contain the following:~~

- ~~1. The Department docket number, if known;~~
- ~~2. The name of party on whose behalf the petition is filed;~~
- ~~3. The name, address, and telephone number of the person filing the petition;~~
- ~~4. The signature of the person filing the petition;~~
- ~~5. A statement of facts sufficient to show that petitioner is an affected person, as defined in Subsection 163.3184(1), Florida Statutes, including the date(s) and method by which the petitioner submitted objections during the local government review and adoption proceedings;~~
- ~~6. A statement identifying the comprehensive plan or plan amendment(s) which is challenged, including the name of the local government, date of adoption, ordinance number(s) or other specific formal designation(s);~~
- ~~7. A statement describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, 163.3178, 163.3191, Florida Statutes, the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, Florida Administrative Code; and~~
- ~~8. A demand for relief to which the petitioner deems himself entitled.~~
- ~~9. A certificate of service certifying that a copy of the petition has been served on the local government and any known owner of the property.~~

(b) through (c) No change.

(d) If a petition is filed that does not substantially comply with the requirements of Rule 28-106.201 9J-11.012(7)(a), Florida Administrative Code, the Department shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within 15 days of service of the order. If an amended petition complying

with this rule is not filed within 15 days of service of the order, the petitioner's right to a proceeding under Section 120.57, Florida Statutes, is waived.

(e) No change.

(f) After the hearing pursuant to Subsection 163.3184(9), Florida Statutes, the administrative law judge hearing officer shall mail the Recommended Order to the Agency Clerk, Department of Community Affairs.

(g) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8),(9),(10) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, _____.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) through (2) No change.

(3) Within ten working days after the local government has adopted the compliance agreement plan amendment(s), the local government shall submit to the Department a complete compliance agreement plan amendment(s) package consisting of: a transmittal cover letter signed by the chief elected official indicating compliance with Rules 9J-11.0131(2)(a), (b) and (c), Florida Administrative Code, the executed ordinance(s) adopting the compliance agreement plan amendment(s) and three copies of the compliance agreement plan amendment(s). This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team. The local government shall also submit one copy of the adopted compliance agreement plan amendment(s) to the appropriate regional planning councils, local governments and intervenors as indicated in Subsection 163.3184(16)(d), Florida Statutes.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History--New 11-10-93, Amended 11-6-96, _____.

9J-11.015 Submittal Requirements for Adopted Small Scale Development Amendments.

(1) No change.

9J-11.015(2), F.S., is changed to read as follows:

(2) The local governing body shall submit one copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network. A copy of the public hearing notice shall also be included in the submittal package. The local governing body shall simultaneously submit completed copies of Form RPM-BSP-Small Scale-1 effective 11/6/96 with the Small Scale development amendment. Copies of Form RPM-BSP-Small Scale-1 may be obtained from the Department of Community Affairs, Division of Community Resource Planning and Management Plan Processing Team.

(3) The adopted small scale amendment shall be sent directly to the Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team, within ten working days of adoption.

(4) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3187 FS. History--New 11-10-93, Amended 11-6-96, _____.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to its accordance with the evaluation and appraisal report schedule established in Rule 9J-33, Florida Administrative Code, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review and adoption, and contemporaneously send a copy to the Department and each review agency as listed under Rule 9J-11.009(8)(a) thru (h), Florida Code Rules. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under Rule 9J-11.009(8)(a) thru (h), Florida Administrative Code. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) No change.

(c) The local planning agency shall prepare its proposed report in conformity with the public participation procedures that were adopted by the local planning agency in accordance with the public participation requirements of Section 163.3181, Florida Statutes, ~~and Rule 9J 5.004, Florida Administrative Code.~~

(d) The appropriate reviewing agencies as listed under Rule 9J-11.009(8)(a) thru (h), Florida Administrative Code, must provide written comments to the Department within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), Florida Statutes. A local planning agency may, at the direction of the local governing body, and in accordance with Subsection 163.3191(8), Florida Statutes, prepare and transmit an evaluation and appraisal report in advance of the transmittal date established by Rule 9J-33, Florida Administrative Code, in accordance with the Early Submission requirements therein.

(e) Within 30 days of receipt of a proposed evaluation and appraisal report the Department shall review the proposed report and submit comments to the local government. If a local planning agency transmits an early evaluation and appraisal report, the local planning agency shall transmit an addendum in conformity with the schedule established by Rule 9J-33, Florida Administrative Code, which, at a minimum, addresses changes in local conditions, relevant changes in the state comprehensive plan, the requirements of Section 163.3191, Florida Statutes, the requirements of Chapter 9J-5, Florida Administrative Code, and applicable strategic regional policy plan changes that occurred subsequent to the adoption of the earlier evaluation and appraisal report.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), Florida Statutes, the local government shall provide a copy of the report to all reviewing agencies as listed under Rule 9J-11.009(8)(a) thru (h), Florida Administrative Code, including adjacent local governments.

(b) The adopted evaluation and appraisal report will address the requirements of Rule 9J-11.018(2)(b), Florida Administrative Code and. ~~When evaluation and appraisal report based amendments to the comprehensive plan do not occur simultaneously with the adoption of the evaluation and appraisal report, the report shall include a schedule for adoption of evaluation and appraisal report-based amendments within one year after the report or addendum is adopted unless a six-month extension is requested in writing by the local government.~~

(c) The local governing body shall adopt, or adopt with changes, the evaluation and appraisal report in conformity with the public participation procedures in accordance with the public participation requirements of Section 163.3181, Florida Statutes, and Rule 9J-5.004, Florida Administrative Code.

(d) ~~A local governing body may adopt and submit an evaluation and appraisal report transmitted by the local planning agency in advance of the submittal date established by Rule 9J-33, Florida Administrative Code, in accordance with the Early Submission requirements therein.~~

(e) ~~If the local governing body adopts an evaluation and appraisal report more than 90 days prior to the due date established in Rule 9J-33, Florida Administrative Code, for the adoption of the report, the local governing body shall also adopt and submit an addendum to the adopted report in conformity with this subsection.~~

(f) ~~At a minimum, the addendum shall address relevant changes in the local comprehensive plan, the state comprehensive plan, Chapter 163, Part II, Florida Statutes, the requirements of Chapter 9J-5, Florida Administrative Code, and the applicable strategic regional policy plan that occurred subsequent to the adoption of the earlier evaluation and appraisal report. The public participation, public notice, and adoption requirements established for the submittal of the adopted evaluation and appraisal report must be followed when submitting the addendum to the adopted report.~~

~~(d)(g)~~ All evaluation and appraisal report materials, including graphic and textual materials, maps, support documents including data and analysis, including a submittal letter from the designee of the local governing body stating the dates on which the local government held the requisite public hearings, and a copy of the adoption ordinance or resolution shall be submitted directly to: Florida Department of Community Affairs, Division of Community Resource Planning and Management, Plan Processing Team-EAR REVIEW.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) Within 60 days of receipt of an adopted evaluation and appraisal report ~~or addendum~~, the Department shall review the adopted report for preliminary to determine its sufficiency. A final sufficiency determination shall be completed within 90 days of receipt. A sufficiency review shall not be a compliance review, but shall be a determination that:

1. the report ~~or addendum~~ was adopted and submitted timely; and
2. the adopted report ~~or addendum~~ addresses all the requisite provisions of Section 163.3191, Florida Statutes, ~~including the requirements of Subsections 163.3191(2), (3), and (6), Florida Statutes, and this Rule.~~

(b) ~~A local government may request that the Department provide substantive comments regarding the report or addendum during the Department's sufficiency review to assist the local government in the adoption of its evaluation and appraisal report based plan amendments. Comments provided during the sufficiency review will not be binding on the local government or the Department, and will not supplant or limit the Department's consistency review of the adopted EAR based amendments. A request for comments must be~~

made in writing by the local government and must be submitted at the same time the adopted report is submitted for sufficiency review.

~~(b)~~(e) Upon completion of its sufficiency review, the Department will notify in writing the local governing body of its sufficiency determination.

~~(c)~~(d) If the Department determines that the adopted report ~~or addendum~~ sufficiently addresses the requisite provisions of Section 163.3191, Florida Statutes, and this Rule, the local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the report ~~or addendum~~, and may proceed with plan amendments in addition to the evaluation and appraisal report-based plan amendments.

~~(d)~~(e) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in Section 163.3187(1)(b), Florida Statutes, until such time as the local governing body adopts and submits an evaluation and appraisal report to ~~or addendum~~ that the Department determines sufficiently addresses the requisite provisions of ~~Section 163.3191, Florida Statutes, and this Rule~~.

~~(e)~~(f) If the Department determines that the adopted report ~~or addendum~~ is not sufficient because it fails to address the requirements of Section 163.3191, Florida Statutes, and this Rule, the local governing body may amend its comprehensive plan for a period of one year after the initial determination of insufficiency. If the one year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient the local government is prohibited from amending its comprehensive plan, until such time as the local governing body adopts and submits an evaluation and appraisal report ~~or addendum~~ that the Department determines sufficiently addresses the requisite provisions of Section 163.3191, Florida Statutes, and this Rule, except for plan amendments that meet the requirements of Section 163.3187(1)(b) subsection 163.3187(6), Florida Statutes.

~~(f)~~(g) If local governments are prohibited from amending the comprehensive plan pursuant to Rule 9J-11.018(4)(d) and (e), Florida Administrative Code, then during the time period of the prohibition ~~starting subsequent to the submission date specified in Rule 9J-33, Florida Administrative Code~~, amendments will not be processed by the Department, and will be returned to the local government except for plan amendments that meet the requirements of subsection 163.3187(1)(b)(6), Florida Statutes. In order to secure review thereafter, the local government may resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, Florida Statutes, following a determination that the local government's evaluation and appraisal report ~~or addendum~~ is sufficient.

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

9J-11.018(5)(a), FS., is changed to read as follows:

(a) ~~Except when a local governing body submits its amendment simultaneously with its evaluation and appraisal report, W~~within 18 months after the report is determined to be sufficient by the Department one year of adoption of an evaluation and appraisal report, and within one year of adoption of an addendum to the earlier report, the local government shall amend its comprehensive plan based upon the recommendations contained therein unless a six-month extension is requested in writing by the local government. The extension request will be granted if the request demonstrates why the local government is unable to meet the original 18 month adoption time frame. Upon Request an additional six month extension will be granted if the local government demonstrates that the additional extension will result in greater coordination between transportation and land use for the purposes of improving Florida's transportation system.

(b) All evaluation and appraisal report-based plan amendments, ~~including amendments submitted pursuant to an addendum~~, shall be submitted in accordance with the procedures contained in Sections 163.3184, 163.3187, and 163.3189, Florida Statutes, and Rule 9J-11.006 and Rule 9J-11.011, Florida Administrative Code, and shall be subject to compliance review as that term is defined in Subsection 163.3184(1)(b), Florida Statutes.

~~(c) Notwithstanding the requirements of subsection (1) of this section, a local government may adopt its evaluation and appraisal report based plan amendments simultaneously with the adoption of its report or addendum. An evaluation and appraisal report adopted simultaneously with the local government's adoption of the report based plan amendments shall be adopted in accordance with Subsection 163.3187(5) and Section 163.3191, Florida Statutes, and this Rule, including the requirements for public notice and public hearings. The adoption of a report simultaneous with the adoption of report based plan amendments shall not act as a bar to, or limitation on, the effect of the Department's sufficiency review of the adopted report, nor may the Department waive its responsibilities for review of such report. Evaluation and appraisal report based plan amendments adopted simultaneously with the local government's adoption of its report shall be adopted in accordance with Sections 163.3184, 163.3187, and 163.3189, Florida Statutes, and shall be subject to compliance review.~~

Specific Authority 163.3177(9) FS. Law Implemented 163.3187(6), 163.3191 FS. History—New 11-6-96, Amended.

9J-11.019 Action to Require Local Government to Submit Land Development Regulations for Review.

(1) No change.

9J-11.019(2) and (3), FS., is changed to read as follows:

(2) The Department shall consider that reasonable grounds exist only if the Chief, Bureau of Local Planning, Department of Community Affairs, Division of ~~Community Resource Planning and Management~~, has received a letter stating facts which show that the local government has completely failed to adopt one or more of the regulations required by Subsection 163.3202(2), Florida Statutes, within one year after submission of its revised comprehensive plan for review pursuant to Subsection 163.3167(2), Florida Statutes, or if the Department has received a letter stating facts which show that the local government has totally failed to adopt one or more of the regulations required by ~~Subsection 163.3202(6)~~, Florida Statutes, ~~consistent with the date cited within Subsection 163.3202(6), Florida Statutes.~~ The letter shall include the name, address, telephone number and signature of the sender and shall provide any relevant background documentation and specific reasons for the assertion that the required regulations have not been adopted.

(3) If the Department has reasonable grounds to believe that a local government has completely failed to adopt one or more of the land development regulations required by ~~Subsection 163.3202(2) or Subsection 163.3202(6)~~, Florida Statutes, the Department shall mail a certified letter, return receipt requested, to the chief local elected official requiring the local government to transmit two copies of whatever land development regulations have been adopted, including regulations of other agencies if incorporated into the local government's development approval system, to the Chief, Bureau of Local Planning, Department of Community Affairs, Division of ~~Community Resource~~ Planning and Management, within 30 calendar days from receipt of the letter from the Department. The land development regulations submitted must include copies of any separate adopting or enabling legislation. All copies of regulations and legislation must be certified as true and correct copies of the originals by the city or county clerk.

(4) If the local government has not adopted the required land development regulations, it shall send a letter to the Chief, Bureau of Local Planning, Department of Community Affairs, Division of ~~Community Resource~~ Planning and Management, within 30 calendar days from receipt of the letter from the Department indicating that the regulations have not been adopted. The letter shall state what actions the local government has already taken to develop and adopt the required regulations and shall include a schedule approved by formal action of the local governing body for adoption of the regulations. The schedule must provide for the adoption of the required regulations within 120 calendar days from receipt of the Department's initial letter requesting copies of the regulations unless the Department agrees to refrain from taking

further action for an additional period of time during the 120 day period. If the local government requests that the Department refrain from taking further action, the Department will respond to that request within 14 calendar days of receipt of the request. The Department shall not agree to refrain from taking further action for an additional period of time unless there is substantial evidence that the local government is unable to adopt the regulations within the 120 day period.

(5) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended.

9J-11.021 Action if Local Government Has Failed to Adopt the Required Land Development Regulations.

(1) through (2) No change.

(3) The local government shall have 90 calendar days from receipt of the Department's notification letter to adopt the required regulations, unless the Department agrees to refrain from taking further action for an additional period of time during the 90 day period. If the local government requests that the Department agree to refrain from taking further action for an additional period of time, the Department will respond to that request within 14 calendar days of receipt of the request. Every request that the Department refrain from taking further action must include a schedule approved by formal action of the local government that provides for the adoption of the required regulations during the extension period. The Department shall not agree to refrain from taking further action for an additional period of time unless there is substantial evidence that the local government is unable to adopt the regulations within the 90 day period. Upon adoption, the local government shall submit two copies of the required regulations, including copies of any separate adopting or enabling legislation, to the Chief, Bureau of Local Planning, Department of Community Affairs, Division of ~~Community Resource~~ Planning and Management. All copies of regulations and legislation must be certified as true and correct copies of the originals by the city or county clerk.

(4) through (6) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended.

9J-11.021 Action if Local Government Has Failed to Adopt the Required Land Development Regulations.

(1) If the Department determines that the local government has completely failed to adopt one or more of the land development regulations required by ~~Subsection 163.3202(2) or Subsection 163.3202(6)~~, Florida Statutes, the Department will notify the chief local elected official and initiating party in writing within 30 calendar days of receipt of the regulations for review from the local government. The letter to the local government shall be certified, return receipt requested.

(2) through (6) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--
New 11-6-96, Amended _____.

DEPARTMENT OF REVENUE

RULE CHAPTER NO.: 12-18 RULE CHAPTER TITLE: Compensation for Tax Information
CHANGE IN CABINET AGENDA OF FEBRUARY 23, 1999
The proposed amendments to Rule Chapter 12-18, F.A.C., which were originally noticed in the Florida Administrative Weekly on December 11, 1998, Vol. 24, No. 50, pp. 6739-6745, and noticed for consideration for adoption by the Governor and Cabinet in the Florida Administrative Weekly on January 22, 1999, Vol. 25, No. 3, page 275, have been withdrawn from the Cabinet Agenda of February 23, 1999.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-63 RULE CHAPTER TITLE: Building Moving Permit
Regulations
RULE NO.: 14-63.011 RULE TITLE: Non-Compliance
Notice of rulemaking, which was published in Vol. 24, No. 41, October 9, 1998, issue of the Florida Administrative Weekly, is hereby withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-96 RULE CHAPTER TITLE: State Highway System Connection
Permits, Administrative Process
RULE NOS.: 14-96.0011 RULE TITLES: Forms
14-96.007 Application Submittal, Review,
Approval, and Conditions
14-96.011 Permit Modification or Revocation;
Alteration or Closure of
Permitted Connections
14-96.012 Closure and Modification of
Unpermitted Connections
(Including Those to be
Considered "Grandfathered")

WITHDRAWAL NOTICE

Notice of rulemaking, which was published in Vol. 24, No. 41, October 9, 1998, issue of the Florida Administrative Weekly, is hereby withdrawn.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE CHAPTER NO.: 15C-2 RULE CHAPTER TITLE: General

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)3., F.S., pursuant to comments received from the Joint Administrative Procedures Committee, published in Vol. 24, No. 49, December 4, 1998 issue of the Florida Administrative Weekly:
All rules: Section 320.824(1) FS., has been removed from the rulemaking authority.

15C-2.002

~~(3) Any manufacturer, having purchased Florida code seals or HUD labels on a personal, company or corporation check that has not cleared a bank due to insufficient funds or no account may be limited in the amount of seals or labels he may thereafter purchase.~~

~~(4) Seals or labels affixed to mobile/manufactured homes or recreational vehicles having code violations shall be voided and may be removed.~~

~~(2)(5) It will be the responsibility of the mobile/manufactured home or recreational vehicle manufacturer to affix the appropriate seal or label to all new units, prior to the unit being shipped from the factory location.~~

~~(3)(6) It will be the responsibility of the mobile/manufactured home or recreational vehicle dealer to verify that the appropriate seal or label is affixed on all new mobile/manufactured homes and new and used recreational vehicles (refer to 15C 2.008 for used units), prior to offering the units for sale to the public. It will be the responsibility of the selling dealer to ascertain that all used recreational vehicles, manufactured after January 1, 1968, either meet or exceed the requirements of the DHSMV's Used Recreational Vehicle Check list, forms HSMV 81001 and HSMV 81092 effective 2-89, as hereby incorporated by reference.~~

15C-2.003

~~(4)(8) HOURLY CHARGE FOR SERVICES OF INSPECTOR AND ENGINEER ON MOBILE/MANUFACTURED HOMES DURING SPECIAL INSPECTIONS AND RECREATIONAL VEHICLES~~

~~(a) Manufacturers or dealers shall be charged thirty dollars (\$30.00) per hour, plus mileage (state mileage rate), for special inspections made by an authorized inspector, including, but not limited to plant approvals, 100% plant inspections, increased frequency inspections, reinspections, and special consumer complaint investigations, as requested by a manufacturer or dealer, or as may be deemed necessary by the Bureau of Mobile Home and Recreational Vehicle Construction.~~

~~(b) Manufacturers or dealers shall be charged forty-five dollars (\$45.00) per hour for the service of each DMV (Bureau of Mobile Home and Recreational Vehicle Construction) engineer or individual assigned to carry out engineering duties, when services are requested by a manufacturer or dealer, or as may be deemed necessary by the Bureau of Mobile Home and Recreational Vehicle Construction.~~

~~(d) There shall be a minimum charge of two (2) hours for each such inspection or investigation. The time shall be accrued from the time the employee leaves his office or official headquarters until the time he returns to his office or headquarters. Travel expenses to and from the employee's official headquarters shall also be paid by the mobile/manufactured home or recreational vehicle manufacturer or mobile/manufactured home or recreational vehicle dealer.~~

~~(6)(10) FEES.~~ The Florida seal, HUD label, and hourly rate charges are based on the cost of inspection and administration; therefore, fees shall may be adjusted annually September 1st, based upon cost analysis of program budgeting, pursuant to sections 320.8255 and 320.8256, F.S.-

15C-2.005

(2) All units with deviations, code problems, etc., written up on a notice of violation or red tagged shall not be removed from the manufacturer's premises, dealer lot location, storage lot, or location where unit is tagged or notice of violation written, without prior approval from the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction). The criterion for division approval shall be that all deviations which were the basis for the notice of violation or red tag have been corrected. This Department must be given a minimum of three (3) days notice when the deviations have been corrected so that reinspection of these units can be scheduled.

Specific Authority ~~320.011, 320.8225(1), 320.824(1)~~ FS. Law Implemented 320.827, 320.8255, 320.8256 FS. History--New 1-25-75, Amended 2-25-76, 9-11-78, Formerly 15C-2.05, Amended 1-1-90, 12-10-92.

15C-2.0072

Specific Authority ~~205-193, 320.011, 320.824(1), 320.8249~~ FS. Law Implemented 320.822(14)(12), 320.77, 320.8285, 320.8325 FS. History--New 5-13-93.

15C-2.0073

(2)(b) A general liability insurance policy in the amount of \$100,000 and performance bond in the amount of \$5,000 is required for licensing pursuant to section 320.8249(3), F.S., and must be maintained in full force during the licensing period.

(7)(a) Installation decals may be purchased by submitting a request on form Mobile Home Installation Decal Order Form, HSMV - 81404 effective 7/97 to:

Bureau of Mobile Home and Recreational Vehicle Construction
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway - MS 66
Tallahassee, FL 32399-0640
(850)413-7600 or FAX (850)488-7053

Specific Authority 320.8249, 320.011 FS. Law Implemented 320.8249 FS. History--New 10-1-96.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-5.110

RULE TITLE:
Claims Payment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 24, No. 45, November 6, 1998, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-2.001 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 53, of the December 31, 1998, issue of the Florida Administrative Weekly. The change is being made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting of February 6, 1999, in Jacksonville, Florida, determined that subsection (10)(b)3., should be reworded to read as follows: "Any treatment pursuant to this subparagraph must be directly related to the patient's life threatening condition and administered under the direction of a Florida licensed physician;"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-6.008 RULE TITLE: Unlicensed Physicians; Duties of Hospital

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 53, of the December 31, 1999, issue of the Florida Administrative Weekly. The change is being made in response to the written comments submitted on the rule. The Board, at its meeting of February 6, 1999, in Jacksonville, Florida, determined that subsection (3) should be reworded to read as follows; "Each hospital making an adverse incident report as required by law shall identify any unlicensed physician involved in the adverse incident that is the basis of such report."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.017 RULE TITLE: Citation Authority

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 53, of the December 31, 1998, issue of the Florida Administrative Weekly. The change is being made to rule pursuant to written comments received on the rule. The Board, at its meeting of February 6, 1999, in Jacksonville, Florida, determined that the rule should be changed to correct a typographical error in subsection (3)(a)3., and shall be reworded to read as follows:

Failure to document required HIV/AIDS \$1000 fine
and related infections of TB and failure
to document domestic violence CME.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.005 RULE TITLE: Temporary Permit to Practice Occupational Therapy

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 43, October, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The Board, at a public hearing held on February 1, 1999, in Tampa, Florida, voted to change the rule to read as follows:

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

(1) An applicant who has been issued a temporary permit based on apparent eligibility for licensure by endorsement may practice as an occupational therapist without supervision, but such practice shall be permitted only until the next available meeting of the Board at which applications are considered, at which time the Board shall either grant or deny the license applied for and the temporary permit shall become void and of no force and effect.

(2) No temporary permit shall be issued to an applicant for licensure by examination who has previously failed the examination and has not subsequently passed the examination.

(3) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may practice occupational therapy without supervision under his temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.003
 RULE TITLE: Temporary Permit to Practice as an Occupational Therapy Assistant

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 43, October, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The Board, at a public hearing held on February 1, 1999, in Tampa, Florida, voted to change the rule to read as follows:

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

(1) An applicant who has been issued a temporary permit based on apparent eligibility for licensure by endorsement may practice as an occupational therapy assistant, but such practice shall be permitted only until the next available meeting of the Board at which applications are considered, at which time the Board shall either grant or deny the license applied for and the temporary permit shall become void and of no force and effect.

(2) No temporary permit shall be issued to an applicant for licensure by examination who has previously failed the examination and has not subsequently passed the examination.

(3) An individual who has passed the examination may continue to practice as an occupational therapy assistant under the temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the

examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE NO.: 64E-14.002
 RULE TITLE: Seasonal Farmworker

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 46, November 13, 1998, of the Florida Administrative Weekly: The changes were made in response to comments made at the public hearing for the rule, which was held on December 7, 1998 and written comments submitted by the Florida Legislature Joint Administrative Procedures Committee. Comments were received during the time period allowed for submission of materials.

Subsection 64E-14.002(14) has been changed so that when adopted it will read:

“Seasonal farmworker – A person who is employed where a minimum of 50 percent of their time in that position involves the hand-labor operations of planting, cultivating, or harvesting of agricultural crops, regardless of the duration of employment.”

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: 65C-17.002, 65C-17.004, 65C-17.005
 RULE TITLES: Definitions, Criteria, Fee Waiver and Change in Allowance Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 48, November 25, 1998, issue of the Florida Administrative Weekly:

65C-17.002 Definitions.

For purposes of this rule, the following definitions contained within the Master Trust Declaration shall apply:

(3) “Current needs” of a client beneficiary means:

(a) The cost of providing the particular residential services being utilized by the client, as determined by the department in accordance with the procedures established in Chapter 65-6 ~~65G~~, Florida Administrative Code (F.A.C.);

(5) "Fee waiver" means a reduction or deferment of assessed fees pursuant to the procedures established in this chapter and in Rule ~~65-6.022~~ ~~65G-6.022~~, F.A.C. Any child who is in the custody, care and control of the department in foster care pursuant to Chapter 39, F.S., is eligible to apply for a fee waiver.

(9) "Personal Allowance" means an amount (in addition to the \$11.00 monthly foster care allowance – See definition (6) above) set aside from a child's Social Security Administration Title II (SSA), Supplemental Security Income (SSI), Veterans' (VA) or other federal benefit payment for the child's personal needs before any amounts are applied to the cost of care. See ss. 402.33(3); Rule ~~65-6.018~~ ~~65G-6.018~~, F.A.C. For children in foster care receiving a federal benefit payment, the amount set aside shall be no less than \$15.00 per month. The child is eligible to apply for a change in the monthly allowance through the fee waiver review process. The personal allowance, as well as any other portion of the benefit payment not deducted for cost of care, shall be placed in the child's current needs trust account and shall be available to the child at all times. Pursuant to s. 402.17, F.S., the department is authorized to transfer funds to an account for the long-term and other needs of the child if the amount in the current needs account accumulates to the extent that it endangers the child's eligibility for benefits (the eligibility limit is \$2,000). The personal allowance shall be used to obtain clothing, recreational needs or activities, therapeutic equipment, transportation, and other personal and comfort items for the child. If a child has other special needs which cannot be provided by the department, another local, state or federal source, or from the child's family members or other responsible party, the fee waiver process established in 65C-17.005 shall be used to document the necessity of providing the essential item to the child.

65C-17.004 Criteria.

Any determination as to whether funds should be transferred to a different subaccount for the client, or whether, subject to availability of funding, a fee waiver or change in allowance should be granted shall be made by utilizing the following criteria to balance current and long-term needs of Family Safety and Preservation program Master Trust client beneficiaries:

(1) Expressed preferences of the client previously made known to the caseworker and, ~~when possible~~, documented in a PASS, PASS-ND, Independent Living or other case plan. The department caseworker shall work with each client who is completing a PASS or PASS-ND plan.

65C-17.005 Fee Waiver and Change in Allowance Procedures.

(1) Notice regarding the client's ability to request a fee waiver or a change in the foster care or personal allowance shall be provided in DCF Form 285D, October, 1997, which is incorporated by reference herein (form is available at the central program office, 1317 Winewood Blvd., Building 7,

Tallahassee, Florida 32399-0700), at the time of each judicial review to the child, the child's guardian ad litem (if appointed), the child's attorney (if appointed), the child's parents (unless parental rights have been terminated), the child's foster parents, and the child's department caseworker. A copy of the notice shall also be filed with the court.

(2) Requests for fee waiver or a change in the foster care or personal allowance shall be directed to the district fee waiver review committee, utilizing CF Form 285, November, 1997, which is incorporated by reference herein (form is available at the central program office, 1317 Winewood Blvd., Building 7, Tallahassee, Florida 32399-0700). The request must be case specific and individualized. The person making the fee waiver or change in foster care or personal allowance request shall attach receipts, bills, certified statements or other documentation necessary to substantiate the request.

(4) The fee waiver review shall be conducted in accordance with the guidelines in Rule 65C-17.004. The chairman of the fee waiver committee shall be responsible for audiotaping the proceeding and ensuring that the client's fiscal file or other location designated by the district. Non-departmental participants shall be required to sign the Certificate and Affidavit of Understanding located at the end of CF Form 285E (form is available at the central program office, 1317 Winewood Blvd., Building 7, Tallahassee, Florida 32399-0700).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-21	Subsidized Child Care
RULE NO.:	RULE TITLE:
65C-21.003	Fee Schedule

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 48, November 25, 1998, issue of the Florida Administrative Weekly:

65C-21.003 Fee Schedule.

(2) The Subsidized Child Care Fee Schedule must be used to determine the amount the family must contribute for child care. The Subsidized Child Care Fee Schedule, effective July 1, 1998, Revised March 12, 1998, incorporated by reference, establishes the daily rate for care based on the number of persons in the family and the total income of the family. A copy of the Schedule may be obtained from the Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 62 Specifics
 RULE NO.: 53ER99-6
 SUMMARY OF THE RULE: This emergency rule describes Instant Game 62, "LUCKY DOG," for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-6 Instant Game 62 Specifics.

(1) Name of Game. Instant Game Number 62 "LUCKY DOG."

(2) Price. LUCKY DOG tickets sell for \$1.00 per ticket.

(3) LUCKY DOG Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VERN under the latex area on the ticket. To be a valid winning LUCKY DOG Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any LUCKY DOG Lottery ticket, the VERN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in LUCKY DOG are as follows:

INSERT CHART

(5) The "PRIZE" symbols and captions in LUCKY DOG are as follows:

INSERT CHART

(6) Determination of Prize Winners.

(a) The holder of a ticket having three "PAWS" exposed in the play area in any one row, column or diagonal and a "FREE TICKET" shown in the "PRIZE" play area shall be entitled to a prize of a free \$1.00 ticket.

(b) The holder of a ticket having three "PAWS" exposed in the play area in any one row, column or diagonal shall be entitled to a prize of the amount shown in the "PRIZE" play area.

(c) The holder of a ticket having three "CATS" exposed in the play area in any one row, column or diagonal shall be entitled to a prize of double the amount shown in the "PRIZE" play area.

(7) Prize amounts in Instant Game Number 62, LUCKY DOG are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 and \$500.

(8) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 62, LUCKY DOG:

(a) Approximately 1,415,526 prizes falling in the cash categories per 42 pools of 240,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 62 are as follows:

GET 3 "PAWS" IN ANY ROW COLUMN OR DIAGONAL, WIN PRIZE. GET 3 "CATS" IN ANY ROW, COLUMN OR DIAGONAL WIN DOUBLE PRIZE:		NUMBER IN	ODDS
TICKET	WIN TICKET	42 POOLS	
\$1	\$1	1,310,400	1 in 7.69
\$1 (DOUBLE)	\$2	336,000	1 in 30.00
\$2	\$2	537,600	1 in 18.75
\$2 (DOUBLE)	\$4	201,600	1 in 50.00
\$4	\$4	134,400	1 in 75.00
\$4 (DOUBLE)	\$8	67,200	1 in 150.00
\$5 (DOUBLE)	\$8	33,600	1 in 300.00
\$10	\$10	33,600	1 in 300.00
\$10 (DOUBLE)	\$20	16,800	1 in 600.00
\$20	\$20	16,800	1 in 600.00
\$50	\$50	3,318	1 in 3,037.97
\$50 (DOUBLE)	\$100	420	1 in 24,000.00
\$100	\$100	420	1 in 24,000.00
\$500	\$500	168	1 in 60,000.00

(9) The over-all odds of winning any prize in Instant Game Number 62 are 1 in 3.70.

Specific Authority 24.105(10)(a),(b),(c), 24.109 FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 2-4-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 4, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 47 Specifics
 RULE NO.: 53ER99-8
 SUMMARY OF THE RULE: This emergency rule replaces rule 53ER98-60 F.A.C. Instant Game Number 47 Specifics, "WHEEL OF FORTUNE ®," will be sold by Florida Lottery retailers commencing on a date determined by the Secretary of