THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Legal Base/SSI Related Unit, 1317 Winewood Boulevard, Building 3, Room 412B, Tallahassee, Florida 32399-0700

#### THE FULL TEXT OF THE PROPOSED RULE IS:

#### 65A-4.100 Relocation Assistance.

- (1) The WAGES coalition contract provider will determine the individual's level of financial need for relocation assistance and will advise the department of this level of need. The department will then approve the issuance of the relocation assistance check. The determination of the level of need and the agreement not to apply for temporary cash assistance for six months will be documented on CF-ES 2279, Dec 98 (incorporated by reference). A copy of this form will be provided to the individual.
- (2) The approval for relocation assistance requires that the application for temporary cash assistance be withdrawn. The processing standard for relocation assistance is thirty days. Following denial of relocation assistance, when a request for temporary cash assistance is made within 30 days of the request for relocation assistance, the original date of the application will be the date of application for temporary cash assistance. Following denial of the request for relocation assistance and in the absence of agency delay, when the individual does not request temporary cash assistance within thirty day of the original Request for Assistance (RFA), the date of reapplication for temporary cash assistance is the date of the reapplication RFA.
- (3) Domestic Violence is defined as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another. There must be a current threat of domestic violence for domestic violence to be considered a necessary reason for relocation.
- (4) The following are considered acceptable emergencies: domestic violence; hospitalization or illness documented by a physician licensed under Ch. 458 or 459, F.S., resulting in a significant loss of income or loss of employment; loss of housing; natural disaster resulting in destruction of an assistance group's major property; or other similar situations affecting the individual's employment potential.
- (5) An individual is eligible for relocation assistance payments one time in a five year period except that individuals receiving relocation assistance because of domestic violence have no limit on the number of times they can receive this assistance. Relocation assistance does not count toward temporary cash assistance time limitations. Should an individual move to a different service area during a period of prohibition from applying for temporary cash assistance

because of the receipt of relocation assistance, the individual should provide, upon relocation, a copy of form CF-ES 2078, Dec 98 (incorporated by reference) to the originating WAGES coalition contract provider.

(6) Hearings as a result of relocation assistance program decisions will be conducted in accordance with the department's hearings procedures in Ch. 65-2, Part VI, Hearings, F.A.C.

Specific Authority 414.45, 414.155 FS. Law Implemented 414.155 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 1998

DATE NOTICE OF RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 1998

# Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:

4-137.010 Holocaust Victims Insurance
Report and Standards of Proof

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. 43, October 23, 1998, of the Florida Administrative Weekly:

The following changes are made to address comments received by the public and the Joint Administrative Procedures Committee:

Paragraph (e) is added to subsection (3) of the rule to read as follows:

(3)(e) If an insurer's report to another state regarding unpaid World War II era claims substantially complies with the reporting requirements of section 626.9543, Florida Statutes, and this rule, and a copy of such report is filed with the Department, the report will be accepted as satisfaction of the reporting requirements herein. The Department shall determine whether the report is in substantial compliance with the statute and the rule.

The last sentence in subsection (5) is amended to read as follows:

An insurer which has no information to report may submit its report stating that fact in letter form.

Subsection (6) is amended to add the following sentence to the end of the subsection:

The Department may approve such other reasonable interest calculation method that is appropriate to the circumstances and equitable to Holocaust victims, and their heirs, descendants, and beneficiaries.

Section 624.424(1)(c), F.S. is added to the specific authority. The remainder of the rule reads as previously published.

## DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:

4-154 Minimum Reserve Standards for Individual and Group Health

Insurance

## 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, in the Florida Administrative Weekly:

- 1. 4-154.203(2)(c)1.b. Adding the definition of "reasonable method" to the definition section in 4-154.202. It would read: "(26) Reasonable Method - one which can be shown to produce claim reserves which reflect sound values".
- 2. 4-154.203(4)(b)1.c.(i), and IIB Remove the apostrophe from the words "durations" and "terminations".
- 3. 4-154.203(4)(c)1. Adding the definition of "reasonable assumptions" to the definition section in 4-154.202. It would read: "(27) Reasonable Assumptions for Contract Reserves – A reasonable assumption is one which can be shown to produce adequate contract reserves".
- 4. 4-154.204 changed to read as follows:
- (2) For contract reserves, the maximum interest is the maximum rate permitted by law specified in 625.121(6)(a), F.S.
- (b) For claim reserves on polices that require contract reserves, the maximum interest rate is the maximum rate permitted by law specified in 625.121(6)(a), F.S.
- (c) For claim reserves on policies not requiring contract reserves, the maximum interest rate is the maximum rate permitted by law specified in 625.121(6)(a), F.S.
  - (3) Mortality.
- (b) For all individual policies or group certificates other than long-term care insurance issued on or after January 1, 1999, the mortality basis shall be according to a table (but without use of selection factors) of rates permitted by law specified in 625.121(5)(a)2., F.S.

The remainder of the rule will read as published.

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE 14-63 **Building Moving Permit** 

Regulations

RULE NO.: **RULE TITLE:** 14-63.011 Non-Compliance

## CHANGE NOTICE CORRECTION

This is a correction notice. The change notice published in Florida Administrative Weekly Vol. 24, No. 51, December 18, 1998, Page 6864 had a programming error. All opening quotation marks (") became a capital A and all closing quotation marks (") became @ in the printed version. Essentially, the change notice was changing "may" to "will" in response to a review by the Joint Administrative Procedures Committee.

## PUBLIC SERVICE COMMISSION

DOCKET NO. 951560-EI

RULE NOS.: **RULE TITLES:** 

25-24.511 Application for Certificate 25-24.515 Pay Telephone Service NOTICE OF CORRECTIONS

Notice is hereby given that the following corrections have been made to the adopted rules in published in the December 11, 1998 Florida Administrative Weekly.

# 25-24.511 Application for Certificate.

(5) A certificate will be granted if the Commission determines that grant of the application is in the public interest. Only one one certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest.

Specific Authority 350.127(2) FS. Law Implemented 350.123, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92,\_\_\_\_\_\_.

# 25-24.515 Pay Telephone Service.

- (9) Except as provided in paragraph 9(c), each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the
- (c) Pay telephone providers have until June 30, 1999 <del>December 31, 1998</del>, or six months after the effective date of this rule, which ever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.

# AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

**RULE NO.: RULE TITLE:** 59G-4.320 Therapy Services NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 24, No. 44, Florida Administrative Weekly, October 30, 1998. These changes are in response to written comments received before the public hearing, which was scheduled for November 30, 1998.

The Florida Medicaid Therapy Services Coverage and Limitations Handbook, July 1998, is being incorporated in 59G-4.320 by reference. The following changes were made to the handbook:

- (1) We deleted the references to temporary licensed speech-language pathologists on pages 1-4, 1-5 and 2-7, because Florida does not have a provision for temporarily licensing speech-language pathologists.
- (2) We add information that procedure code W9617 can be billed for respiratory therapy re-evaluations on page A-2.
- (7) We corrected the maximum fee for procedure code W9618, respiratory therapy visits, to \$16.97 on page A-2. Copies of the full text of the Florida Medicaid Therapy

Services Coverage and Limitations Handbook, July 1998, may be obtained by contacting: Kenn Jones, Medicaid Program Development, (850)922-7310.

#### DEPARTMENT OF HEALTH

**RULE NO.:** RULE TITLE: 64-1.001 Judicial Review NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in the Vol. 24, No. 48, (November 25, 1998), Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF HEALTH

#### **Board of Clinical Laboratory Personnel**

RULE NO.: **RULE TITLE:** 64B3-5.007 Director; Limitations, Qualifications and Responsibilities NOTICE OF CHANGE

Notice is hereby given that a change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 44, of the October 30, 1998, issue of the Florida Administrative Weekly. The change is in response to written comments filed by the staff of the Joint Administrative Procedures Committee. The change is as follows:

Subsection (1)(f) shall be reworded to read, "A director shall, for each laboratory under his/her direction, ensure that the responsibilities of a clinical consultant, as defined in 42 C.F.R. 493.1453 (10-1-95 Edition) and 57A-7.035(1)(b), F.A.C., are being performed, either personally by the director or by a clinical consultant duly qualified."

In addition, the following citation shall be added to the specific authority citation: 483.805(4), F.S.; and the following citations shall be added to law implemented citation: 483.823(1) and 483.824, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

# Section IV **Emergency Rules**

#### DEPARTMENT OF THE LOTTERY

**RULE TITLE: RULE NO.:** Retailer Sales Incentive Program 53ER98-63 SUMMARY OF THE RULE: The rule describes the Florida Lottery Retailer sales incentive program for all eligible Florida Lottery instant and on-line retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

#### THE FULL TEXT OF THE EMERGENCY RULE IS:

# 53ER98-63 Retailer Sales Incentive Program.

- (1) Beginning December 28, 1998, through March 28, 1999, the Florida Lottery will conduct a Retailer Sales Incentive Program (RSIP) for all eligible instant and on-line Retailers. Retailers may earn additional commission if their sales exceed their established goals for the RSIP period.
- (2) Each eligible Retailer will be given a sales goal which will be the Retailer's actual sales for the base period December 29, 1997, through March 29, 1998, as adjusted in accordance with subparagraph (4)(b) below.
- (3) Participation in the RSIP shall include all Retailers that became active on or before December 29, 1997, had no more than two dishonored electronic transfers during the base period, and remained active up to and throughout the RSIP period. Retailers whose locations experienced a change in ownership, as defined by Rule 53ER94-21(3), F.A.C., after December 29, 1997, are also eligible, provided that the original retailer contract was not terminated prior to the filing of the new retailer application.

(4) Calculation of Instant and On-Line Sales Goals.