

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
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Application Procedure for Change in Ownership or Control of Savings Clause Mortgage Lender	3D-40.100
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Application Procedure for Mortgage Lender License	3D-40.200
Application Procedure for Correspondent Mortgage Lender License	3D-40.220
Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office Permit	3D-40.240

PURPOSE AND EFFECT: To update the application and renewal forms for mortgage broker schools; to change the application and renewal fees for mortgage broker schools; and to make other changes to the mortgage broker application rules.

SUBJECT AREA TO BE ADDRESSED: Mortgage broker school, mortgage broker and mortgage broker business permit requirements.

SPECIFIC AUTHORITY: 494.0011(2) FS.

LAW IMPLEMENTED: 494.0033, 494.00311, 494.0031, 494.0036, 494.0071, 494.00171, 494.0061, 494.0062, 494.0064, 494.0065 FS.

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

TIME AND DATE: 10:00 a.m., May 11, 1999

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Geraldine Harrison, Bureau of Registrations, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.027 Mortgage Broker Education Requirement.
~~Within 10 days of completion of each 24 hour mortgage broker course, the classroom instructor shall submit to the Department a list of all students who successfully completed the course. The list shall include the name and social security number of each student and the school's name and the instructor's signature. Electronic signatures are allowable per Florida Statutes when the required data is submitted to the Department via computer transmission from a school.~~

- (1) No change.
- (2) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Brokerage School or an accredited college, university, community college, or area vocational-technical school in this State which offers the twenty-four (24) hour mortgage training course ~~taught by a classroom instructor having a minimum of one year's experience in primary and subordinated financing transactions or a minimum of one year's experience conducting classes in primary and subordinated financial transactions; or from a school in which qualifying hours are obtained from a classroom instructor having a minimum of one year's experience in primary and subordinated financial transactions or one year's experience in conducting classes in primary and subordinate financial transactions.~~ Any individual person or school offering qualifying hours must include the curriculum for mortgage broker classroom education, Rule 3D-40.026, ~~F.A.C. Florida Administrative Code~~, and the laws and rules of ss. 494.001-494.0077, ~~F.S. Florida Statutes~~, as the basis for course study.

- (3) ~~As used in this rule, the following definitions apply:~~
 - ~~(a)~~ For the purpose of this rule "School" means any duly permitted and accredited Mortgage Brokerage School and any accredited college, university, community college or area vocational-technical school in this State, which offers the twenty-four (24) hour mortgage brokerage training course as a condition precedent to licensure as a mortgage broker. Such course to include the curriculum described in Rule 3D-40.026, F.A.C.

- ~~(b)~~ For the purpose of this rule "classroom instructor" means any person who teaches the curriculum for mortgage broker classroom education, and
 - ~~1.~~ who is registered as an instructor for a duly permitted and accredited Mortgage Brokerage School, or

~~2. who is employed by or serves as an independent contractor with an accredited college, university, community college or area vocational technical school in this State.~~

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. The list should be typed in a format prescribed by the Department or in lieu of the typed list, the school may submit the list on a 3.5" diskette or by e-mail or by accessing the Department's website at www.dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number and the completion date.

Specific Authority 494.0011(2) FS. Law Implemented 494.0033, ~~282-73~~ FS. History--New 7-5-92, Amended 11-5-95, 11-24-97, _____.

3D-40.028 Permit for Mortgage Brokerage School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Brokerage School shall apply to the Department by submitting the following:

(a) a completed Application for Mortgage Brokerage School Permit, Form DBF-MBS-101, revised _____ effective 10/95, and a completed Registration Application for each instructor, Form DBF-MBS-102, effective 10/95, which is ~~are~~ hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(b) No change.

(c) a \$400 non-refundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof ~~and calculated as follows: Each school, \$200.00; each instructor, \$100.00.~~

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (5) No change.

Specific Authority 494.0011(2), 494.00311(1),(3)(b) FS. Law Implemented 120.60(1)(2), 494.00311 FS. History--New 11-5-95, Amended _____.

3D-40.029 Mortgage Brokerage School Permit Renewal.

(1) Each active Mortgage Brokerage School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) a permit renewal fee of \$500 and a completed renewal form, Form DBF-MBS-202, Mortgage Brokerage School Renewal Form, revised _____ effective 10/95, which is

hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350; and

(b) a recertification accreditation fee of \$400 ~~\$200~~ for the school ~~and \$100 for each currently registered instructor, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.~~

(2) No change.

Specific Authority 494.0011(2), 494.00311(1),(3)(b) FS. Law Implemented 494.00311 FS. History--New 11-5-95, Amended _____.

3D-40.030 Accreditation Process for a Mortgage Brokerage School.

(1) Section 494.00311, ~~F.S., Florida Statutes,~~ authorizes the Department to evaluate each school by an accreditation process to determine compliance and competency of mortgage brokerage schools and to recertify each school on an annual basis. The basis for accreditation will consist of the following evaluation criteria:

(a) through (d) No change.

(e) Instructor's ~~experience and~~ ability to convey subject matter.

(f) through (2)(f) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00311 FS. History--New 11-5-95, Amended _____.

3D-40.031 Application Procedure for Mortgage Broker License.

(1)(a) No change.

(b) a non-refundable application fee of \$200 which shall be the fee for the biennial period beginning September 1 of each odd numbered year or any part thereof; and

(c) a completed fingerprint card accompanied by a \$15 non-refundable processing fee. ~~The fingerprint card will be valid for a period of 90 days from the date of receipt by the Department; and~~

~~(d) after July 1, 1992, a Mortgage Broker Education Completion Certificate required by Rule 3D-40.027, Florida Administrative Code.~~

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (7) No change.

Specific Authority 494.0011(2), 494.0033(2)(d), 215.405 FS. Law Implemented 120.60(1), 494.0033(2)(d) FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, _____.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0031(2), 215.405 FS. Law Implemented 494.0031(2) FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, _____.

3D-40.058 Application Procedure for Mortgage Brokerage Business Branch Office Permit.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (7) No change.

Specific Authority 494.001(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, _____.

3D-40.100 Application Procedure for Change in Ownership or Control of Savings Clause Mortgage Lender.

(1) No change.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (6) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0061(1), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, _____.

3D-40.105 Branch Office Permit for Change in Ownership or Control of Savings Clause Mortgage Lender.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0065, 494.0066 FS. History—New 8-24-93, Amended 9-3-95, _____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0061(3), 215.405 FS. Law Implemented 494.0061(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, _____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0062(3), 215.405 FS. Law Implemented 494.0062(3) FS. History--New 10-1-91, Amended 6-6-93, 5-14-93, 9-3-95, 11-5-96, 7-14-96, 11-24-97.

3D-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office Permit.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), F.S. Florida Statutes.

(4) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0066 FS. History--New 10-1-91, Amended 6-6-93, 5-14-93, 9-3-95.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Other Personnel
RULE NO.: 6D-5.003

PURPOSE AND EFFECT: This rule establishes certification requirements needed for various positions at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Various positions.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.343(6) FS.

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

TIME AND DATE: 9:00 a.m., May 1, 1999

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Human Resource Management and Development
RULE NO.: 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4), 242.331(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., May 1, 1999

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Self-Accrual Authorization
RULE NO.: 12A-1.0911

PURPOSE AND EFFECT: The proposed amendments to Rule 12A-1.0911, F.A.C., implement the changes to Chapter 212, F.S., made by the 1998 Legislature. Section 7, Chapter 98-140, L.O.F., provides that the Department, by rule, may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer, in lieu of having the independent seller register as a dealer and remit the tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the development of this proposed new rule, and to consider suggested revisions which may be offered by the general public or other interested persons.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 212.05(1)(e)3.,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., May 10, 1999

PLACE: Room 435, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least five (5) calendar days before the program by contacting the person listed below. If you are hearing or speech-impaired, please contact the Department's TDD by calling 1(800)DOR-TDD1, 1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, Telephone (850)922-4714

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0911 Self-Accrual Authorization.

(1) through (4) No change.

(5)(a) The Department may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax. The dealer applicant must agree to report and pay directly to the Department all sales tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request.

(b)1. A dealer applicant seeking authorization to remit sales tax on behalf of its independent sellers must send a written request for such authorization to:

Florida Department of Revenue

Central Registration

P. O. Box 2096

Tallahassee, Florida 32316-2096

2. The request shall include:

a. the date;

b. the signature of the dealer applicant's President or Chief Executive Officer;

c. a statement by the dealer applicant agreeing to report and pay directly to the Department all sales and use tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request;

d. the dealer applicant's sales tax certificate of registration number;

e. the dealer applicant's address and telephone number;

f. a description of the property being sold by the independent sellers;

g. documentation of dealer applicant's financial resources, including certified financial statements; and

h. a detailed description of the dealer applicant's information processing system to be used for the tax liabilities assumed and to allocate the local taxes involved.

(c)1. Upon receipt of a request for authorization, the Department will inform the dealer applicant in writing that the request is complete and has been accepted; or, that the request is deficient and specify what additional information is required to make the request complete. Upon acceptance of a complete request for authorization, the Department will approve or deny the request and notify the dealer applicant in writing of its decision.

2. If the request has been approved, the Department will issue a numbered authorization permit and will indicate the effective date of a dealer's authorization to remit tax on the permit.

(d)1. If a request for authorization to remit tax is granted, the dealer must report and remit the amount of local discretionary sales surtax applicable to each county in which the first delivery of the taxable property to the independent seller occurs.

2. The dealer shall notify the Department within 30 days of any change of circumstances that might affect the dealer's qualification for the authorization. The authorization can be revoked at any time if it is determined by the Department that the holder no longer meets the requirements set forth in this subsection.

Specific Authority 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS. History--New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees;

Telecommunications Companies

25-4.0161

PURPOSE AND EFFECT: To revise the rule and the regulatory assessment fee return forms to reflect the change to s. 364.336, F.S., effective January 1, 1999.

SUBJECT AREA TO BE ADDRESSED: Regulatory assessment fees.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.336, 364.337(4) FS.

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

TIME AND DATE: 9:30 a.m., Tuesday, May 11, 1999

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO CHRISTIANA MOORE, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephanie Cater, Division of Auditing & Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each ~~interexchange~~ telecommunications company ~~and each pay telephone company~~ shall deduct from gross operating revenues any amounts paid to another telecommunications company for the use of any for use of the local network to a telecommunications network to provide service to its customers ~~company providing local service~~. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) through (3) No change.

(4) Commission Form PSC/CMU 25 (/99) (~~07/96~~), entitled "Local Exchange Communication Company Regulatory Assessment Fee Return," ~~applicable to local exchange telecommunications companies~~; Form PSC/CMU 26 (/99) (~~07/96~~), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (/99) (~~07/96~~), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (/99) (~~07/96~~), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (/99) (~~07/96~~), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (/99) (~~07/96~~), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) through (8) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.336, 364.337(4) FS. History—New 5-18-83, Formerly 25-4.161, Amended 10-16-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-8-96, _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Cancellation of a Certificate	25-24.474
Cancellation of a Certificate	25-24.514
Cancellation of a Certificate	25-24.572
Cancellation of a Certificate	25-24.735
Revocation of a Certificate	25-24.820

PURPOSE AND EFFECT: To revise the required information a telecommunication company must submit with its request to cancel its certificate, deleting unnecessary information and adding the requirements that a company submit its current address and pay all delinquent regulatory fees.

SUBJECT AREA TO BE ADDRESSED: Voluntary cancellation of telecommunications company certificates.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 350.127(1), 364.285, 364.335, 364.337, 364.339, 364.345 FS.

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

TIME AND DATE: 10:30 a.m., May 11, 1999, or as soon thereafter as the workshop on Rule 25-4.0161, if held, is concluded.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO CHRISTIANA MOORE, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, Division of Telecommunications, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (813)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.474 Cancellation of a Certificate.

(1) The Commission has the authority ~~may~~ on its own motion to cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

~~(4)(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).~~

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History--New 2-23-87, Amended 3-13-96,_____.

25-24.514 Cancellation of a Certificate.

(1) The Commission has the authority ~~may~~ to cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted.
- (b) Violation of Commission rules or orders;
- (c) Violation of Florida Statutes; or,
- (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

~~(4)(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).~~

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS. History--New 1-5-87, Amended_____.

25-24.572 Cancellation of a Certificate.

(1) The Commission has the authority to ~~may~~ cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rules or orders; or
- (c) Violation of Florida Statutes

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:- ~~Cancellation of a certificate shall be ordered subject to the holder providing the following information:~~

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(c) Proof of individual customer notice regarding discontinuance of service.

(d) Statement on treatment of customer deposits and final bills.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.339, 364.345 FS. History--New 1-28-91, Amended 7-29-97,_____.

25-24.735 Cancellation of a Certificate.

(1) The Commission has the authority to ~~may~~ cancel an Alternative Access Vendor (AAV) service provider's certificate for any of the following reasons:

- (a) violation of the terms and conditions under which the authority was originally granted;
- (b) violation of Commission rules or orders;

- (c) violation of Florida statutes; or
- (d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following ~~information~~ with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161, the date the final Regulatory Assessment Fee was paid.

(b) Its current mailing address, a statement of the reasons for cancellation;

(c) A statement on the treatment of customer deposits and final bills; and

(d) A representative copy of a customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History—New 1-8-95, Amended.

25-24.820 Revocation of a Certificate.

(1) The Commission has the authority may on its own motion, after notice and opportunity for hearing, to revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. A statement of intent and date certain to pay regulatory assessment fee.

(b) Its current mailing address. A statement of why the certificate is proposed to be canceled.

(c) A statement as to how customer deposits and final bills will be handled.

(d) Proof of individual customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345 FS. History—New 12-26-95, Amended.

**DEPARTMENT OF ELDER AFFAIRS
Administration of Federal Aging Programs**

RULE TITLE: RULE NO.:

Area Agency on Aging Functions 58A-1.007
and Responsibilities

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58A-1.007 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

DEPARTMENT OF ELDER AFFAIRS**Community Care for the Elderly**

RULE TITLE: Administration
 RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58C-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

DEPARTMENT OF ELDER AFFAIRS**Administration of the Alzheimer's Disease Initiative**

RULE TITLE: Program Administration
 RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58D-1.005 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

DEPARTMENT OF ELDER AFFAIRS**Home Care for the Elderly**

RULE TITLE: Administration
 RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58H-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Neonatal Intensive Care Services RULE NO.: 59C-1.042

PURPOSE AND EFFECT: The agency has scheduled a rule development workshop to consider changes in the methodology currently used to calculate need for additional Level II Neonatal Intensive Care Unit (NICU) beds. The methodology is being reviewed in response to provider requests. SUBJECT AREA TO BE ADDRESSED: The methodology used to determine need for additional Level II Neonatal Intensive Care Unit beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(a)(d)(g)(k) FS.

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

TIME AND DATE: 2:00 p.m., May 11, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elfie Stamm, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of State Health Purchasing

RULE TITLE: Outpatient Hospital Services RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the January 1999 update to the Florida Medicaid Hospital Coverage and Limitations Handbook. The effect is to furnish hospital providers the 1999 revised lists of covered codes in the appendices section of the Florida Medicaid Hospital Coverage and Limitations Handbook. Revisions were made to the following lists of codes: outpatient revenue center codes, laboratory and pathology codes, mammography diagnosis codes, elective surgery codes, procedures exempt from the \$1,000 outpatient cap, hysterectomy diagnosis codes, procedure and diagnosis codes requiring attachments, ultrasound diagnosis codes for high-risk pregnant women, and time and narrative corrections to Appendix J. The effect of the revision of the Florida Medicaid Hospital Coverage and Limitations Handbook, January 1999, is to provide hospital providers with the most recent code coverage and billing information affecting the payment of claims.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907(8)(a), 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., May 10, 1999

PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room I, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzocchi, Medical/Health Care Program Analyst, Medicaid Program Office, Agency for Health Care Administration, P. O. Box 12600, Tallahassee, FL 32317-2600, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(4) Reimbursable Outpatient Hospital Services.

(a) Outpatient hospital services are reimbursable within certain limitations.

1. through 2. No change.

3. Reimbursement for outpatient laboratory and pathology procedures shall be limited to the technical component identified on the fee schedule in Appendix C, Chapter 3, found in the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~. This handbook is incorporated in this rule by reference, and is available from the fiscal agent contractor.

4. through 16. No change.

(b) No change.

(c) All hospital providers enrolled in the Medicaid program must be in compliance with the provisions of the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~, and the Medicaid Reimbursement Handbook, UB-92, October 1998, incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

(5) through (10) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907(8)(a), 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Salon Requirements
RULE NO.: 61G5-20.002

PURPOSE AND EFFECT: The proposed rule will set forth the requirements for disinfectant solutions and procedures to be used in a cosmetology salon.

SUBJECT AREA TO BE ADDRESSED: Salon Requirements.
SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The Educational Advisory Committee in making its evaluation will consider the following elements: faculty, curricula, students, administration and commitment.

(a) through (b) No change.

(c) Transcripts of coursework completed, course content syllabi, notarized testimonials from employers, college level, advance placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper based version, or 213 in the computer based version, will be accepted as satisfactory evidence.

(5) through (9) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Foreign Degrees
RULE NO.: 61G15-20.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Foreign degrees.

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

TIME AND DATE: 9:00 a.m., May 19, 1999

PLACE: The Collins Building, 107 W. Gaines Street, Room 324, Tallahassee, Florida

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Areas of Competency and Grading Criteria
RULE NO.: 61G15-21.002

PURPOSE AND EFFECT: The Board proposes to update the rule text by clarifying the areas of competency and the grading criteria.

SUBJECT AREA TO BE ADDRESSED: Areas of competency and grading criteria.

SPECIFIC AUTHORITY: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.03 FS.

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

TIME AND DATE: 9:00 a.m., May 19, 1999

PLACE: The Collins Building, 107 W. Gaines Street, Room 324, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.002 Areas of Competency and Grading Criteria. (1) through (2) No change.

(3) ~~In~~ Part Two of the examination has traditionally required the applicant ~~will usually be required~~ to solve from seven to ten problems which the applicant may choose from approximately twenty problems drawn from a test pattern. Effective October, 1999, the examinations in Agricultural, Environmental, Fire Protection, Industrial, and Petroleum will be offered in a 100% objectively scored (multiple choice) format. The competency areas in each discipline are generally set forth as follows:

(a) through (d) No change.

(e) ~~Industrial – Methods Design and Work Management, Production, Inventory and Distribution Systems, Facilities, Manufacturing, Production and Inventory Systems, Work Systems and Ergonomics, Planning and Design, Economics, Operations Research, Quality Assurance Management and Computer/Information Systems. Control and Industrial Statistics.~~

(f) through (n) No change.

(o) ~~Fire Protection Engineering – Water Supplies, Building Systems, Water-Based Suppression Systems, Non-Water Based Suppression Systems, Detection and Alarm Systems, Fire Prevention, Implementation and Monitoring of Fire Prevention, Research and Development of Hazard and Risk Analysis, Hydraulics, Suppression Systems, Fire Behavior, Fire Communications, Hazards.~~

(p) ~~Environmental – Water, Wastewater/Stormwater, Natural Water Systems; Solid and Hazardous Waste; Air, Pollution Source, Pollution Control Processes, Ambient Air Quality; Environmental Health, Safety and Welfare. Project implementation, operations and monitoring for health safety and environmental protection, emergency response, risk analysis, radiation protection, noise toxicology, industrial hygiene.~~

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.013 FS. History–New 1-8-80, Amended 2-23-81, 8-25-81, 8-16-82, 4-30-85, 8-20-85, Formerly 21H-21.02, Amended 10-27-92, 1-10-93, Formerly 21H-21.002, Amended 2-14-95, 6-28-95, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES: Education Requirements 61J1-4.001
Renewal of Inactive Registrations, Licenses and Certifications 61J1-4.007

PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Appraisal Board to review the current education requirements as they pertain to registered assistant appraisers. The Board will also determine if other aspects of the rules need to be updated.

SUBJECT AREA TO BE ADDRESSED: The Florida Real Estate Appraisal Board will be reviewing the education requirements for registered assistant appraisers to determine if the courses may only be used for a limited period of time for one to become registered.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.619 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17R

RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters 62-302.700

PURPOSE AND EFFECT: To discuss and receive public comment on the proposed designation of Lake Disston and Little Haw Creek as Outstanding Florida Waters (OFW) under Rule 62-302.700, F.A.C. The primary intent of an OFW designation is to preserve existing ambient water quality. If designated as OFW, these waters would receive a high level of water quality protection.

SUBJECT AREA TO BE ADDRESSED: The Department received a petition to designate Lake Disston and Little Haw Creek as OFW under rule 62-302.700, F.A.C. The workshop listed below is being conducted as part of the Department's analysis of the proposal to designate Lake Disston and Little Haw Creek as OFW.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, 403.918 FS.

THE DEPARTMENT ALSO ANNOUNCES A PUBLIC WORKSHOP FOR RULE DEVELOPMENT TO BE HELD ON THE DATE, TIME, AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., Tuesday, June 22, 1999

PLACE: Flagler County Commission Chambers, Room 107, Flagler County Courthouse, 201 East Moody Blvd., Bunnell, Florida 32110

If an accommodation is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Janet Klemm, Division of Water Facilities, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Mediation **RULE NO.:** 64B6-7.008

PURPOSE AND EFFECT: The Board proposes to add instances where mediation is appropriate for first time violations of the practice act.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 455.614 FS.

LAW IMPLEMENTED: 455.614 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 2020 Capital Circle, S. E., Bin #CO9, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS NOT AVAILABLE:

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees for Application, Initial and Renewal Registration **RULE NO.:** 64B8-71.004

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve an increase in the fee for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Increase in the fee for initial licensure.

SPECIFIC AUTHORITY: 455.641, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-71.004 Fees for Application, Initial and Renewal Registration.

(1) No change.

(2) The initial licensure registration fee for a person who becomes licensed shall be \$110.00 ~~\$70.00~~.

(3) No change.

Specific Authority 455.641, 468.353(1), 468.364 FS. Law Implemented 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-34.04, 21M-34.004, Amended 2-15-94, Formerly 61F6-34.004, Amended 9-29-94, Formerly 59R-71.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees for Application, Examination, Initial and Renewal Registration **RULE NO.:** 64B8-72.006

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve an increase in the fee for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Increase in the fee for initial licensure.

SPECIFIC AUTHORITY: 455.641, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-72.006 Fees for Application, Examination, Initial and Renewal Registration.
 - (1) through (2) No change.
 - (3) The initial licensure registration fee for a person who becomes licensed shall be \$70.00.
 - (4) No change.

Specific Authority 455.641, 468.353(1), 468.364 FS. Law Implemented 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-35.05, 21M-35.005, Amended 9-21-93, 1-3-94, Formerly 61F6-35.005, Amended 9-29-94, Formerly 59R-72.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
RULE NO.: 64B8-73.004

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve increases for the biennial renewal fee for licensure, the delinquency fee, and the inactive license fee.

SUBJECT AREA TO BE ADDRESSED: Increase in the fees.
SPECIFIC AUTHORITY: 455.587(6), 455.641, 455.711(7),(8), 468.353(1), 468.364 FS.
LAW IMPLEMENTED: 455.587(6), 455.641, 455.711, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-73.004 Fees.
 - (1) The biennial renewal fee for ~~licensure certification or registration~~ shall be ~~\$110.00~~ ~~\$70.00~~.
 - (2) through (5) No change.
 - (6) The delinquency fee shall be ~~\$110.00~~ ~~\$70.00~~.
 - (7) The application for inactive license fee shall be ~~\$50.00~~ ~~\$35.00~~.
 - (8) No change.

Specific Authority 455.587(6), 455.641, 455.711(7), (8), 468.353(1), 468.364 FS. Law Implemented 455.587(6), 455.641, 455.711, 468.364 FS. History--New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE CHAPTER TITLE: Fee Schedule
RULE CHAPTER NO.: 64B10-12

PURPOSE AND EFFECT: The Board proposes to discuss the rules within this chapter and determine if the rules will require amendments due to possible computer based testing in the future.

SUBJECT AREA TO BE ADDRESSED: Collection and payment of fees; application for licensure; payment for duplicating licenses, certificates, and permits; reexamination fee; renewal fee; provisional license application fee; endorsement fee; initial licensure fee; inactive status; change of status fee; temporary license; preceptor certification and recertification fee; administrator-in-training application fee; unauthorized practice fee; delinquency fee.

SPECIFIC AUTHORITY: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(2),(5), 468.1705(1), 468.1725(2), 468.1735 FS.
LAW IMPLEMENTED: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(3),(5), 468.1705(1),(4), 468.1715, 468.1725, 468.1735 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on May 9, 1999

PLACE: Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B20-7.001
PURPOSE AND EFFECT: The Board shall undertake a review of Rule 64B20-7.001 in its entirety for any technical, grammatical or substantial changes which the Board may deem necessary.
SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.
SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1295 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m., Thursday, May 27, 1999
PLACE: Omni West Beach Hotel, 1601 Belvedere Road, West Palm Beach, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

amendments also include a change to address an issue raised by the Joint Administrative Procedures Committee and clarification of particular issues related to the issuance of Medicare Supplement Insurance.

SUMMARY: The proposed changes amend the minimum standards for Medicare Supplement Insurance in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308, 627.673, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.673, 627.674, 627.6741, 627.6745, 627.6746 FS.

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

TIME AND DATE: 10:00 a.m., May 18, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Actuary, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Liz Morris at (850)413-5112.

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Medicare Supplement Insurance
RULE CHAPTER NO.: 4-156, Part I
RULE TITLES: Definitions
RULE NOS.: 4-156.003
 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992 4-156.007
 Standard Medicare Supplement Benefit Plans 4-156.008
 Open Enrollment 4-156.009
 Guaranteed Issue for Eligible Persons 4-156.0095
 Loss Ratio Standards and Refund or Credit of Premium 4-156.011
 Required Disclosure Provisions 4-156.014
PURPOSE AND EFFECT: This Medicare Supplement rule is amended to incorporate changes needed to bring this regulation into compliance with Federal standards. Additionally, the

THE FULL TEXT OF THE PROPOSED RULES IS:

4-156.003 Definitions.

For purposes of this rule regulation:

(1) No change.

(2) "Bankruptcy" means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

(3)(2) "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

(4)(3) "Certificate Form" means the form on which the certificate is delivered or issued for delivery by the issuer.

(5) "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than sixty-three (63) days.

(6) "Creditable coverage" means, with respect to an individual, coverage of the individual as defined in section 627.6561(5), Florida Statutes.