

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2001 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (FAC.) and (2) amendments to the Florida Housing Finance Corporation's 2001 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., April 12, 2000

PLACE: Hyatt Regency Orlando International Airport, Mirabel Room, 9300 Airport Boulevard, Orlando, Florida 32827

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees **RULE CHAPTER NO.:** 68C-22

RULE TITLE: Regulated Activities **RULE NO.:** 68C-22.003

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission is considering whether changes need to be made to the rule to better protect manatees while at the same time providing a process that clearly describes what types of activities can be authorized. For this reason, the Commission has scheduled two public workshops to receive comment concerning whether changes need to be made to the rule. Permits that could be affected include those currently issued to commercial fishers and professional fishing guides within Brevard, Collier, Indian River, Lee, St. Lucie and Volusia Counties. What effect the changes would have depends on what options are pursued. One option being considered is amending the rule to add categories of activities that can be authorized and/or more clearly describe existing categories. Another option being considered is repealing the rule and allowing requests to be handled through the variance process set forth in 120.542, Florida Statutes. Comments or

suggestions on potential options may be submitted through May 5, 2000, to the address given at the end of this notice. The FWC is encouraging the public to participate at the workshops which will take place at the dates and locations listed below.

SUBJECT AREA TO BE ADDRESSED: Permits that allow activities to be conducted within areas where such activities would otherwise be prohibited by manatee protection rules appearing in Chapter 68C-22.

SPECIFIC AUTHORITY: 370.12(2)(f)-(i),(k),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f)-(k),(l),(m),(n) FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Wednesday, April 12, 2000

PLACE: Lee County Administration Building, 1st Floor Conference Room, 2115 Second Street, Fort Myers, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Tuesday, April 25, 2000

PLACE: Brevard County Administration Building, Florida Room (Building C – 3rd Floor), 2725 Judge Fran Jamison Way, Viera, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Mr. Scott Calleson at (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542 within the Tallahassee area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330 or Fax (850)922-4338

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

**Section II
Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services **RULE NO.:** 2-37.010

PURPOSE AND EFFECT: The Department is amending the form it currently utilizes for agencies requesting representation by private attorneys. The proposed rule amendment implements the revised form. The revised form substitutes clarifying language in paragraphs 4 and 22, to eliminate ambiguities and to simplify the form.

SUMMARY: The proposed rule amendment implements the revised form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 FS.

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

TIME AND DATE: 10:00 a.m., April 19, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services." effective _____, ~~FLRC1 (effective 7/12/93)~~ is hereby incorporated by reference. Copies of the form may be obtained from the General Legal Division, Director, Florida Legal Resource Center, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History--New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: Determination of Moral Character
Firefighter Training Course

RULE NOS.: 4A-37.036

Medical Examination 4A-37.037
Retention of Certification 4A-37.0527

Specifications for Certifiable Training 4A-37.056

PURPOSE AND EFFECT: To update and clarify rules, repeal unnecessary rules, and add needed rules.

SUMMARY: Timing for submission of fingerprint cards and medical examinations for firefighters is specified. The designations of forms are updated from FST to DI4; rules on Retention of Certification are amended; and amendments are made to clarify previously unclear or ambiguous statements or positions, to update course requirements based on experience and needs of the firefighting community and the state, and to otherwise bring the rules up to date, such as introduction of the Firefighter I and Firefighter II specifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(5), 633.35, 633.35(2), 633.38, 633.45, 633.45(2)(i) FS.

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

TIME AND DATE: 10:00 a.m., April 18, 2000

PLACE: The Atrium, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486, telephone (352)732-1330

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-37.036 Determination of Moral Character.

(1) Applicants for a certificate of compliance as a firefighter must submit a completed fingerprint card with current processing fee. When Firefighter I and Firefighter II training are to occur contiguously this submission should occur

at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training. Determination of good moral character is required prior to certification as a firefighter pursuant to Section 633.35(2), Florida Statutes.

(2) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95,_____.

4A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), Florida Statutes, an individual shall submit to the division a medical examination evidencing good physical condition in order to gain admission into a firefighter training program. A medical examination evidencing good physical condition shall be submitted to the division, on form DI4-1022, before an individual is admitted into a firefighter training program as defined in Section 633.35, Florida Statutes. When Firefighter I and Firefighter II training are to occur contiguously this submission is to occur at the beginning of the Firefighter I training. When Firefighter I and Firefighter II training are taken as separate modules the requirement for submission is for the Firefighter II module. Firefighter I as a stand alone module does not require a medical examination.

(2) The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the six months period prior to from the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 FST-2 entitled "Medical Examination." These results will be reported by the Certified Training Center delivering the training within five business days of the beginning of a firefighter training program as defined in Section 633.35, Florida Statutes, and in paragraph (1) above. An individual shall not participate in the certification examination for compliance unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(4) Form DI4-1022 FST-2 is incorporated by reference in ~~Rule~~ 4A-37.039(2), and can be obtained where indicated in ~~Rule~~ 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History—New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,_____.

4A-37.0527 Retention of Certification.

(1) Any person possessing a Certificate of Compliance issued by the Bureau of Fire Standards and Training who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department for a period of three years shall be required to retake the practical portion of the state certification examination specified in 4A-37.056(6)(b) in order to maintain their Certificate of Compliance; however, this requirement does not apply to state certified instructors, as determined by the division. The three year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.

(a) The retake of the state certification examination for retention of certificate shall be known as the retention examination and is referenced in Section 633.352, Florida Statutes.

(b) Being active as a volunteer firefighter with an organized fire department means the individual has been actively involved for a continuous period of time of not less than six months during the three year period since certified or the certification was last renewed, or since termination from a fire department. Verification of being active shall be evidenced by documentation from the chief or ranking person of the volunteer fire department.

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training an application, Form DI4-1308 which shall include a medical examination evidencing good physical condition. The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the six months period prior to the date the application for testing is received by the Bureau of Fire Standards and Training. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022, Medical Examination, which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1). An individual shall not participate in the practical examination unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(3) Submit a fingerprint card to the Bureau of Fire Standards and Training with the current processing fee. The fingerprint card will be forwarded to the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation.

(4) The Bureau will schedule the date and time for all examinations.

(5) Each Individual will be required to wear N.F.P.A. approved helmet, fire coat, bunker pants, boots, protective hood, and gloves.

(6) Any Individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one re-take examination. The retake must occur within six months of the original examination.

(7) Failure of the re-take examination will result in the individual's having to successfully complete Firefighter I and II training as defined in 4A-37.055 before any additional testing can occur.

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New _____.

4A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the Division, training shall be obtained under the conditions as specified herein. Satisfactory completion of the prescribed training, instruction and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau of Fire Standards and Training staff.

(1) through (2) No change.

(3) All subjects listed in the approved Firefighter I and Firefighter II courses "~~Minimum Standards Course~~" shall be included in the curriculum.

(4) Each student enrolled in a Firefighter I and/or Firefighter II ~~Minimum Standards~~ course shall receive instruction and training in every course subject of the curriculum. Instruction and training shall not be less than the number of hours specified for each subject.

(5) One aspect of training is psychomotor skills development, which includes the demonstrated ability to perform individually and as a member of a team or group all tasks and operations associated with the training in a manner which does not present a threat to the safety of the trainee, ~~and his~~ co-workers or others and which contributes to the successful achievement of the purpose for which the task or operation is being performed. If, in the professional opinion of the instructors, the student does not possess the qualities necessary to satisfactorily perform psychomotor tasks, the student shall be dropped from the training program.

(6) All tests, both written and practical, given during training shall require maintenance of a percentage score of not less than 70% on each subject listed in the prescribed Firefighter I and Firefighter II "~~Minimum Standards Course~~." courses. If a minimum score of 70% is not achieved on any test, the student may be afforded a one-time make up examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught.

(a) No change.

(b) State examinations, consisting of a written and a practical part, shall be administered by a Field Representative of the Bureau of Fire Standards and Training and shall encompass all components of the Firefighter I course for Firefighter I testing and all components of both Firefighter I

and Firefighter II courses for State Certification as a Firefighter. The 70% score requirement for both written and practical examinations shall prevail in this testing environment as well.

(c) No change.

(d) Only one retake of the state examination shall be allowed. Retakes of the practical portion of the examination will be offered only at the Florida State Fire College during the months of February, May, September, and November ~~on the 2nd Monday of January, April, July and October.~~ Retakes of the written portion of the examination will be offered at the Regional Testing Sites in February, May, September, November and monthly at the Florida State Fire College. Students must be pre-registered at least ten (10) business working days prior to the date of the examination.

(e) The retake of the Firefighter II ~~Minimum Standards~~ Certification Examination must be taken within six (6) months of the initial examination date.

(f) Failing the retake of the Firefighter II ~~Minimum Standards~~ Certification Examination within the prescribed six-month time period will result in the individual having to repeat the Firefighter II ~~Minimum Standards~~ Course.

(7) through (10) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History—New 9-7-81, Formerly 4A-37.16 and 4A-37.56, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0340

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: The Excellent Teaching Program

RULE NO.: 6A-10.060

PURPOSE AND EFFECT: The purpose of this rule is to incorporate into rule the conditions, pursuant to Section 236.08106, Florida Statutes, by which a Florida educator certified by the National Board for Professional Teaching Standards shall lose eligibility for receipt of the certification and mentoring salary bonuses. The effect will be a rule which identifies the circumstances by which an individual may lose eligibility for receipt of the Excellent Teaching Program salary bonuses.

SUMMARY: The rule revision specifies the circumstances by which an individual loses eligibility for receipt of the Excellent Teaching Program salary bonuses. The circumstances are the finding of probable cause for disciplinary action against the educator's certificate, and the allegations proven or admitted to with a resulting penalty, or a settlement agreement is reached with the Department of Education with a resulting penalty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 236.08106 FS.

LAW IMPLEMENTED: 236.08106 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., April 25, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.060 The Repayment of Excellent Teaching Program Certification Fee.

(1) The repayment of the certification fee subsidy paid to the National Board for Professional Teaching Standards on behalf of a teacher by the state of Florida shall be required when the recipient fails to complete the certification program or fails to teach for one (1) year in a public school in the state of Florida after completion of the certification program.

(a)(1) The Department shall forgive the repayment of the certification fee subsidy paid by the state of Florida to the National Board for Professional Teaching Standards pursuant to Section 236.08106, Florida Statutes, for reasons of death of the recipient, of a total and permanent disability which renders the recipient unable to work, or of a reassignment of a military spouse to active duty outside the state of Florida.

(b)(2) Death shall be verified by submission of a copy of the certificate of death. A total and permanent disability shall be verified in writing by a Florida licensed medical physician. An active military assignment outside the state of Florida shall be verified by a copy of the order of reassignment.

(c)(3) A recipient of the certification fee subsidy desiring to make multiple payments to satisfy the total amount due to the state of Florida may establish a repayment schedule agreeable to the Department which shall not exceed a period of two (2) years from the date of the written notice from the Department requesting repayment of the fee.

(d)(4) Repayment of the certification fee subsidy may be deferred for a period not to exceed one (1) year from the date of the written notice from the Department requesting repayment of the fee for a temporary disability which renders a recipient unable to work or for other hardships as determined by the Department to render the recipient unable to work or to make repayment. A written request shall be submitted to the Department for consideration of a deferment of the repayment. The Department may request documentation of the conditions supporting the request for a deferment.

(e)(5) Repayment of the certification fee shall be to the Florida Department of Education.

(2) A Florida educator certified by the National Board for Professional Teaching Standards shall not be eligible to receive payment of the certification and mentoring salary bonuses, pursuant to Section 236.08106, Florida Statutes, if upon conclusion of an investigation by the Department of Education, a finding of probable cause to take disciplinary action against the educator's certificate is found and if:

(a) The allegations are proven or admitted to and result in a penalty, or

(b) If the individual enters into a settlement agreement with the Department of Education resulting in a penalty.

Specific Authority 236.08106 FS. Law Implemented 236.08106 FS. History--New 7-12-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner of Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Loss Reimbursements	19-8.011
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: These rules implement the 2000-2001 contract year for the Florida Hurricane Catastrophe Fund, pursuant to Section 215.555, Florida Statutes.

SUMMARY: Proposed amended rule 19-8.010 adopts the 2000 reimbursement contract. Proposed rule 19-8.011 is proposed for repeal since all of its provisions are incorporated either in the contract or in Rule 19-8.029. Proposed amended rule 19-8.029 adopts the data call for the 2000-2001 contract year and also adopts loss reporting forms formerly part of rule 19-8.011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, Monday, April 17, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, tel. (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1995K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 7/95, is hereby adopted and incorporated by reference into this Rule.

(2) The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1996K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/96, is hereby adopted and incorporated by reference into this Rule.

(3) The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1997K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/97, is hereby adopted and incorporated by reference into this Rule.

(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1998K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/98, is hereby adopted and incorporated by reference into this Rule.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1999K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/99, is hereby adopted and incorporated by reference into this Rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1, – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 8/99, is hereby adopted and incorporated by reference into this Rule.

(6) The reimbursement contract for the 2000-2001 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2000K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/00, is hereby adopted and incorporated by reference into this Rule.

~~(7)~~(6) Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)488-4406.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 8-24-99, _____.

19-8.011 Loss Reimbursements.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-20-96, Amended 2-17-97, 11-25-97, 10-13-98, Repealed _____.

19-8.029 Insurer Reporting Requirements ~~for the 1999-2000 Contract Year.~~

(1) Data Reporting of Insurer Exposure.

(a) No later than September 1 of each contract year, insurers and Joint Underwriting Associations shall report insured values reflecting wind exposure under Covered Policies, ~~except for insurers writing collateral protection~~

~~insurance~~, by zip code and other relevant factors required to reflect each insurer's relative exposure to hurricane loss, valued as of June 30 of the current contract year. Such other relevant factors shall be determined by the Independent Actuarial Consultant consistent with principles of actuarial science and in conjunction with the development of the Premium Formula. ~~In order to ensure that only actual exposure as of 6/30 is reported and therefore to eliminate the reporting of false placements in collateral protection insurance, insurers writing collateral protection insurance shall report all their exposure under Covered Policies, including their collateral protection exposure as of 6/30, no later than the 10th business day in October of each contract year.~~

(b) Confidentiality of exposure reports. Pursuant to the provisions of Section 215.557 Reports of insured values, the reports of insured values under covered policies by zip code submitted to the State Board of Administration pursuant to Section 215.555, as created by s. 1., ch. 93-409, Laws of Florida, or similar legislation, are confidential and exempt from the provisions of Section 119.07(1) and section 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with Section 119.04.

~~(c)(2)~~ Reporting Regarding Entities Not Required to Hold a Certificate of Authority. Existing Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations are not participants in the FHCF since such entities are not considered to issue Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, and such entities are not required to hold a certificate of authority. All existing voluntary pools, voluntary syndicates and voluntary joint underwriting associations which are not required to hold a certificate of authority such entities shall execute a written statement on Form FHCF-M01, "Florida Hurricane Catastrophe Fund Statement regarding Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations pertaining to Florida Statute 215.555," rev. 5/99, which is hereby adopted and incorporated by reference, on behalf of itself and its members acknowledging that it and they have no rights to any recovery from the FHCF. Insurer losses associated with business written in Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations shall not be reimbursed by the FHCF since exposures on Covered Policies are not required to be reported and premiums are not required to be paid on these exposures. Any newly created Voluntary Pool, Voluntary Syndicate or Voluntary Joint Underwriting Association shall be treated as specified under this subsection only if its formation is determined by the Board to be for business purposes benefiting Florida policyholders, not for purposes of creating an unfair marketing advantage over other insurers required to participate in the Fund, and not for the purpose of avoiding participation in the Fund provided such treatment is approved by the Department

of Insurance as evidenced by a letter from the Department received by the Board prior to September 1 of any contract year.

(d) The requirement that the report is due on September 1 means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on September 1. If September 1 is a Saturday, Sunday or legal holiday, and if September 1's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following September 1 which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

(2)(a) For the 1999-2000 contract year. ~~The reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 1999 Data Call," rev. 5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.~~

~~(3) Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 1 of Each Year. Insurers which withdraw from the Florida insurance market prior to June 1 and have no remaining covered policy exposure shall not participate in the Fund. The affected insurer shall provide written evidence obtained from the Department of Insurance that it has surrendered its certificate of authority and currently has no outstanding Covered Policies in force. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), Florida Statutes.~~

~~(4) Notwithstanding a fully executed Reimbursement Contract, all data reporting of insured values for Covered Policies shall be subject to audit and review by the Board. All discovered errors, inadvertent omissions, and typographical errors associated with the data reporting of insured values shall be corrected to reflect the proper values.~~

(b) For the 2000/2001 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its

Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the contract year on or before March 1 of the contract year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(3) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their losses for covered policies (ground-up losses, without regard for the insurer's retention) on Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 10/98, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, and on the basis of quarterly adjustments thereafter. After the initial report of ground-up losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly

<u>For Losses as of</u>	<u>By</u>
<u>06/30/XX</u>	<u>07/15/XX</u>
<u>07/31/XX</u>	<u>08/15/XX</u>
<u>08/31/XX</u>	<u>09/15/XX</u>
<u>09/30/XX</u>	<u>10/15/XX</u>
<u>10/31/XX</u>	<u>11/15/XX</u>
<u>11/30/XX</u>	<u>12/15/XX</u>

(c) Insurers shall report their annual covered losses (all losses regardless of an insurer's retention) for each occurrence on or before December 31 of the contract year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 10/98, which is hereby adopted and incorporated by reference. In reporting losses, deductibles shall be applied first to the coverages

provided by the FHCF, that is, to structure and/or contents. Deductibles shall not be applied first to any coverages not provided by the FHCF such as additional living expense. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Each insurer which has recoveries from the Fund and which has reinsurance recoveries other than recoveries from the Fund shall complete Form FHCF-L1C, "Florida Hurricane Catastrophe Fund Proof of Loss Report/Reinsurance Recovery Worksheet," rev. 10/98, which is hereby adopted and incorporated by reference. For purposes of this rule, quarterly loss reports shall be those reports submitted at each quarter end date after December 31 of the contract year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the contract year are fully discharged, in accordance with the reporting requirements in this paragraph.

(d) As a result of reports submitted on Form FHCF-L1B and Form FHCF-L1C, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits an insurer's recovery from all sources to exceed 100 percent of its losses from a covered event, and in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(4) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7),(15) FS. History--New 5-17-99, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – Training Requirements	33-103.003
Informal Grievance	33-103.005
Formal Grievance – Institution or Facility Level	33-103.006
Appeals to the Office of the Secretary	33-103.007
Inmate Grievances – Miscellaneous Provisions	33-103.015
Follow Through on Approved Grievances	33-103.016
Inmate Grievances – Forms	33-103.019

PURPOSE AND EFFECT: The proposed rule is needed in order to reflect changes in forms related to inmate grievances.

SUMMARY: The proposed reflects changes in forms related to inmate grievances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 2:00 p.m., April 19, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-103.003 Inmate Grievances – Training Requirements.

(1) Staff Training. The Bureau of Staff Development shall develop and implement a standardized plan to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, Florida Administrative Code, and the standardized forms utilized in the grievance procedure. Staff training is governed by Chapter 33-209, Florida Administrative Code.

(a) through (b) No change.

(c) The provision of training shall be documented on ~~Form DC4-216 Training Attendance Report~~.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended _____.

33-103.005 Informal Grievance.

(1) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236 ~~DC3-005~~, Inmate Request for Interview, and shall:

(a) No change.

(b) On the first line of the request section the inmate shall print the words “Informal Grievance”. Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236 ~~DC3-005~~. Attachments that are a continuation of the grievance statement, shall be submitted in triplicate. The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance.

3. The inmate shall submit all copies of the complete form to the person designated. Failure to submit all copies of the ~~DC3-005 (DC1-303)~~ form may result in one copy being returned to the inmate instead of two.

(3) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) No change.

(2) Procedural Requirements.

(a) through (i) No change.

(j) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, ~~grievance Form (DC1-303)~~.

(3) No change.

(4) Inmates filing the types of grievances identified in paragraph (3)(a), (c) and (d) above shall clearly state their reasons for by-passing the informal grievance step and shall state at the beginning of Part A of Form DC1-303, Request for Administrative Remedy or Appeal, the subject of the grievance. Failure to do so and failure to justify filing directly shall result in the formal grievance being returned without action to the inmate with the reasons for the return specified.

(5) through (9) No change.

Specific Authority 20.351, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended.

33-103.007 Appeals to the Office of the Secretary.

(1) through (2) No change.

(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) through (d) No change.

(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, grievance Form (DC1-303).

(4) through (8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (7) No change.

(8) Copying services for documents to be included as attachments to a grievance or grievance appeal shall be handled according to 33-602.405, except that copying services shall not be provided to make copies of Form DC6-236 ~~DC3-005~~ or Form DC1-303, attachments that are a continuation of the request portion for Form DC6-236 ~~DC3-005~~, or attachments that are a continuation of part A of Form DC1-303.

(9) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 07-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances which are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of form DC1-306, Grievance Approval Action Form.

(b) through (f) No change.

(2) Appeals to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (f) No change.

~~(g) Form DC1-306 is hereby incorporated by reference. A copy of this form is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 4-10-95. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, 12-7-97, Formerly 33-29.0155, Amended.

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 4-10-95;

(2) Form DC3-005, Inmate Request for Interview, effective 9-22-89.

(3) Form DC1-306, Grievance Approval Action Form, effective _____.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE: Cash Meals and Special Group Meals
RULE NO.: 33-204.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification of the policy of providing meals to volunteers, to correct an obsolete agency reference, and to incorporate by reference a form utilized in conjunction with provision of meals to employees and volunteers.

SUMMARY: The proposed rule provides circumstances under meals are provided to volunteers, corrects an obsolete agency reference, and incorporates by reference a form utilized in conjunction with provision of meals to employees and volunteers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m., April 20, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.005 Cash Meals and Special Group Meals.

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

(2) Wardens are authorized to ~~shall~~ provide meals free of charge to the following groups:

(a) Volunteers who are providing goods or services free of charge as provided in section 110.501, F.S., when the volunteers are working at the institution at least two hours prior to or subsequent to a meal period;

(b) Members of advisory boards or committees consisting of professionals who render a service to the department for which they are not additionally compensated nor being paid per diem at state expense;

(c) Law enforcement personnel of other agencies who are rendering emergency assistance to the department;

(d) Department of Corrections' staff when involved in the apprehension of an escapee beyond the normal tour of duty, or when an employee is unable to be released from duty due to a departmental emergency.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Thurber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Discipline – Terminology and Definitions	33-601.302
Reporting Disciplinary Infractions	33-601.303
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Disciplinary Team, Hearing Officer and Action	33-601.308
Inmate Discipline – Review and Final Action	33-601.309
Inmate Discipline – Rehearings	33-601.310
Inmate Discipline – Miscellaneous Provisions	33-601.311
Telephonic or Video Disciplinary Hearings	33-601.312
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is: to correct titles of staff involved in the disciplinary process; to clarify what constitutes grounds for dismissal of disciplinary actions; to specify what information must be included in a disciplinary report; to clarify the responsibilities of the investigating officer with regards to witness interviews; to provide revised forms to be used in conjunction with the disciplinary process; to delete reference to obsolete forms; and to allow for the assignment to a restricted labor squad as a form of discipline.

SUMMARY: The proposed rules update forms and titles of staff involved in the disciplinary process; clarify responsibilities and steps in the disciplinary process; and allow for the assignment to a restricted labor squad as a form of discipline.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 944.719, 945.04, 945.091 FS.

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

TIME AND DATE: 9:00 a.m., April 20, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a correctional ~~probation~~ officer lieutenant or above who will be responsible for hearing disciplinary reports.

(2) through (11) No change.

(12) Designating Authority – The employee assigned by the warden ~~or correctional probation administrator~~ who shall review disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and rules 33-601.301-601.314, and whether it shall be designated as minor or major as defined by 33-601.302(5) and (6).

(13) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended.

33-601.303 Reporting Disciplinary Infractions.

(1) When any employee witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department and that employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee shall take the necessary action to resolve the matter. The employee may decide to reprimand the inmate verbally or in writing through use of Form DC6-117, Corrective Consultation of Inmate.

(2) If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee shall consult with the employee's supervisor regarding preparation of a formal disciplinary report, Form EF6-011 unless the employee is at the department head level or correctional officer lieutenant level or above.

(3) When it appears that laws of the state have been violated, the State Attorney shall be notified. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) through (b) No change.

(c) Failure to notify the state attorney prior to taking disciplinary action is not grounds for dismissal of the disciplinary report.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended.

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include ~~contain~~

(a) A ~~A~~ description of the violation, including date, time and place;

(b) The specific rules violated;

(c) A formal statement of the charge;

(d) Any unusual inmate behavior;

(e) Any staff witnesses;

(f) Any physical evidence and its disposition;

(g) Any immediate action taken, including use of force; and

(h) Any other specific facts necessary for an understanding of the charge. ~~In addition, the names of persons who witnessed the incident shall be noted.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction after receipt of the disciplinary report. The investigating officer is responsible for the following:

(1) through (2) No change.

(3) Interviewing additional persons ~~staff, inmates, and other individuals~~ who are listed in the statement of facts or specifically referenced by the charging staff person or specifically identified by the charged inmate who may have information pertaining to the infraction.

(4) Recording the results of the investigation on the Disciplinary Investigative Report, Form DC6-112A ~~DC4-804a~~.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0055, Amended.

33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver, DC4-804d shall be used for this purpose.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D ~~DC4-804d~~, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may submit at the time of the refusal a written statement which shall be delivered to the disciplinary team or hearing officer. If the inmate's

disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section ~~IV~~ of the disciplinary report.

(c) The hearing officer or disciplinary team member shall read the charge, ask the inmate if the charge is understood, and explain the range of penalties ~~punishment~~ that could be imposed if there is a finding of guilt.

(d) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. The chairman of the disciplinary team or the hearing officer may determine that the source of certain information or the information itself should not be revealed to the inmate when the disclosure would endanger the safety or well-being of another person or affect institutional security and order. If a witness statement is not read, the reason(s) shall be documented in the witness disposition form. If other evidence is not revealed to the inmate, the reason(s) shall be documented in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may make any closing statement, written or verbal, concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) During disciplinary team deliberations, only the team, employees being trained, and others whom the warden, chief of security facility administrator, correctional probation administrator, or correctional probation supervisor have previously authorized to be present and have determined will not disrupt the hearing and will benefit by observing the proceedings, shall be present. The hearing officer or disciplinary team shall ensure the following in accordance with 33-601.308:

1. That a decision of guilt or innocence is made only on the official charge listed on the disciplinary report;

2. That the disciplinary action is proportionate to the infraction;

(i) The hearing officer or the disciplinary team may utilize available resource personnel such as health services staff, work supervisors, or other personnel in a consultative capacity. When consultations occur as part of the hearing process it shall be documented in the basis of findings Section ~~IV~~ of the Disciplinary Report.

(2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (b) No change.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through the written Witness Statement, Form DC6-112C ~~DC4-804e~~, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses.

(d) Failure to sign and complete the witness disposition request form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement.

(e) through (g) No change.

(h) If a witness is requested by the team or hearing officer to appear at the hearing and is unavailable the witness statement form shall be accepted as testimony. Signed witness statements used as testimony shall be read to the charged inmate at the hearing except as provided in paragraphs (a) and (c) above. Where a witness statement is not read or the inmate witness does not appear at the hearing as requested, the reason shall be recorded in the witness disposition form, Form DC6-112B.

(i) No change.

(4) The original charge cannot be reduced by the disciplinary team to what might be termed a "lesser included offense." Up to the point of the disciplinary team or hearing officer announcing their decision to the inmate, the hearing may be postponed.

(a) The entire disciplinary report may be returned for further review, investigation or correction.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts ~~section I~~ (change section narrative) then the disciplinary report shall be rewritten, a copy of the new or corrected disciplinary report delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report, Form EF6-011 DC4 804, with their signatures appearing immediately above.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended _____.

33-601.308 Disciplinary Team, Hearing Officer and Action.

(1) through (2) No change.

(3) If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer's authority is limited to subparagraphs (3)(a) through (3)(j)(+) below:

(a) through (f) No change.

(g) Assign the inmate to a restricted labor squad for a period not to exceed the time permitted for confinement on that charge.

(g) through (h) renumbered (h) through (i) No change.

(j)(+) Require inmates to pay for damaged, destroyed or misappropriated property or goods, whether state or personal;

1. No change.

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, documentation shall be placed in the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report ~~in section IV.~~

3. through 4. No change.

(j) through (n) renumbered (k) through (o) No change.

(4) Any disciplinary action, except loss of gain time, that is being imposed with any other disciplinary action should be clearly stated in the basis of findings ~~section IV~~ as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.

(5) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History--New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended _____.

33-601.309 Inmate Discipline – Review and Final Action.

(1) Chief correctional officers at community work release ~~correctional~~ centers, or the senior staff person at contract facilities ~~or correctional probation administrators~~ shall review

the disciplinary action and recommend approval, modification or disapproval to the ~~regional warden or probation administrator.~~

(2) The warden ~~or the regional probation administrator~~ acts as the final reviewing and approving authority for all disciplinary reports in which the recommended penalty does not exceed a loss of more than 365 days of gain time.

(3) No change.

(4) The warden, ~~regional probation administrator~~ or regional director shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned ~~or the~~ Deputy Director of Institutions (classification) secretary is authorized to direct a rehearing of the disciplinary report as provided for in rule 33-601.310. Review of each disciplinary report is the responsibility of the warden, ~~the regional probation administrator~~ or regional director and cannot be delegated to other staff members.

(5) No change.

(6) In the case of privately operated correctional institutions, the correctional services regional classification administrator position in the regional office is the final approving authority for all disciplinary reports, except those as defined in 33-601.309(3).

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History--New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 6-20-91, 10-1-95, Formerly 33-22.009, Amended _____.

33-601.310 Inmate Discipline – Rehearings.

If an error is discovered at any time after an inmate has been found guilty of a disciplinary infraction, the warden, ~~regional probation administrator~~, the facility administrator of a private facility, or the Deputy Director of Institutions (classification) secretary or designee is authorized to cause a rehearing to take place within 30 days of the discovery of the error or the receipt of a successful grievance or appeal. The investigation may incorporate those portions of the previous investigation that are not affected by the need for the rehearing. The rehearing shall proceed according to the provisions of rule 33-601.307. No inmate is authorized to request a rehearing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History--New 10-1-95, Formerly 33-22.0105, Amended _____.

33-601.311 Inmate Discipline – Miscellaneous Provisions.

(1) No change.

(2) Transfers.

(a) No change.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to transfer. Exceptions to this shall be made only in extreme circumstances, for example, strikes or disturbances where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing

shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and ~~Section I~~, statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete ~~the Section H~~, inmate notification, the disciplinary investigation report and ~~the Section III~~, designating authority review, if not completed prior to transfer. ~~The Section IV~~, Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden ~~of the receiving institution~~.

(c) If it becomes necessary to transfer an inmate who is serving a disciplinary penalty to another institution and the sending institutions feels this disciplinary penalty should continue at the receiving institution, the ~~following actions shall be taken~~:

~~1. The sending institution shall attach a copy of the disciplinary report to the inmate file, and attach a complete cover memorandum requesting that the penalty be continued at the receiving institution. If the final copy of the disciplinary report is not available then a copy of the disciplinary report and a copy of the disciplinary hearing worksheet shall be attached.~~

~~2. A copy of the disciplinary report shall be completed through Section V by the sending institution and forwarded to the Bureau of Admission and Release.~~

(3) No change.

(4) The ~~Deputy Director of Institutions (classification) Secretary~~ is authorized to order a disciplinary report expunged from the inmate record in cases effecting the integrity of the disciplinary process or procedures. No inmate has the right to request the expunging of a disciplinary report in conjunction with this subparagraph.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 6-20-91, 10-1-95, Formerly 33-22.011, Amended

33-601.312 Telephonic or Video Disciplinary Hearings.

(1) through (2) No change.

(3) The disciplinary report, disciplinary investigative report, and disciplinary report worksheet should be completed at the institution where the inmate notification is delivered to the inmate. ~~Subsequent data entry and warden review shall be completed at the institution where the completion of the disciplinary report is effected.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History–New 10-1-95, Formerly 33-22.0115, Amended

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

~~(a)(1) DC6-112 E DC4-804F~~, Disciplinary Hearing Report Worksheet, effective date ~~_____ 10-01-95~~.

~~(b)(2) DC6-112A DC4-804A~~, Disciplinary Investigative Report, effective date ~~_____ 10-01-95~~.

~~(c)(3) EF6-011 DC4-804~~, Disciplinary Report, effective date ~~_____ 10-01-95~~.

~~(d)(4) DC6-112D DC4-804D~~, 24 Hour/Refusal to Appear Waiver Form, effective date ~~_____ 10-01-95~~.

~~(e)(5) DC6-112C DC4-804C~~, Witness Statement Form, effective date ~~_____ 10-01-95~~.

~~(f)(6) DC6-112F DC4-804E~~, Disciplinary Report Worksheet, effective date ~~_____ 10-01-95~~.

~~(g)(7) DC6-112B DC4-804B~~, Witness Disposition Form, effective date ~~_____ 10-01-95~~.

~~(h) DC6-117~~, Corrective Consultation of Inmate, effective date _____.

(b) Copies of these forms can be obtained from The Forms Control Administrator, Office of the General Counsel Department Of Corrections, Adult Services Program Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self addressed stamped envelope.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Contract Management**

RULE TITLE: Provider Enrollment
RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the revised Florida Medicaid Provider Enrollment Application, July 1999. The application was revised to change all the references from Unisys, Inc. to Consultec, Inc. who became Medicaid’s fiscal agent on July 1, 1999. In addition, the revised application contains the following policy corrections and changes:

- 1. We added the enrollment policy for providers with multiple office locations.
- 2. We added the policy that out-of-state independent laboratories that are licensed in Florida may enroll as in-state providers.

3. We added Community Mental Health Providers, Specialized Therapeutic Foster Care Providers and Home Health Agencies to the list of providers who can use the one page Application for a New Location Code.

4. We corrected the surety bond policy to read that "One bond is required for each provider location up to five (5) bonds or an aggregate amount of \$250,000 per geographical area." The current Application says that Home Health Agencies are required to have a bond for every location.

5. We included a revised Electronic Claims Submission Agreement.

The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Enrollment Application, July 1999.

SUMMARY: The purpose of this rule is to incorporate by reference the revised Medicaid Provider Enrollment Application, July 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, April 20, 2000

PLACE: 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Medicaid Contract Management, 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida 32308, (850)922-7342

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in 59G-4, FAC, all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application (AHCA Form 2200-0003 (July 1999 ~~November 1998~~)) which is available from the fiscal agent and incorporated in this rule by reference.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE CHAPTER TITLE: Medical Malpractice Arbitration RULE NOS.: 60Q-3.001-.035

PURPOSE AND EFFECT: This is a substantial amendment to this rule chapter. The purpose is to make the process less cumbersome for litigants, resulting in reduced costs.

SUMMARY: A rule regarding motions has been added. A number of rules are being repealed as too cumbersome. The remainder of the rules in this chapter are being amended to make the process more efficient for the litigants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement has been prepared since costs will be reduced for litigants but are not measurable in advance.

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: 766.207(9),(10) FS.

LAW IMPLEMENTED: 766.201-.212 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Judge Linda M. Rigot, 1230 Apalachee Parkway, The DeSoto Building, Tallahassee, Florida 32399-3060, (850)488-9675, Ext. 243

THE FULL TEXT OF THE PROPOSED RULES IS:

60Q-3.001 Applicability.

(1) These rules shall apply to all voluntary binding arbitration proceedings of medical negligence claims initiated in accordance with Sections 766.201 through 766.212, Florida Statutes, to determine and to allocate the amount of damages FS.

(2) Any agreement to arbitrate medical negligence claims filed with the Office of the Clerk shall be deemed to incorporate by reference this chapter Chapter 60Q-3, Florida Administrative Code, including amendments taking effect after the agreement is made.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.001, Amended _____.

60Q-3.002 Computation of Time.

In computing any period of time prescribed or allowed by these rules, by order of ~~the~~ a chief arbitrator, ~~or~~ by order of an ~~arbitration panel~~, or by an applicable statute, the day of the ~~act~~ Act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these rules, legal holiday means those days designated in Section 110.117, Florida Statutes ~~F.S.~~ Whenever a party is required or permitted to do an act within some prescribed time after service of a document, and the document is served by U.S. mail, five days shall be added to the prescribed period. One business day shall be added to the prescribed period when service is made by overnight courier. No additional time shall be added to the prescribed period if service is made by hand, facsimile telephone transmission, or other electronic transmission. For good cause shown, the chief arbitrator may modify any time limits.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.002, Amended _____.

60Q-3.003 Representation By Attorney.

(1) A party has the right to be represented by an attorney at any arbitration proceeding or hearing conducted under Sections 766.201 through 766.212, Florida Statutes, ~~and Chapter 60Q-3, Florida Administrative Code.~~

(2) ~~As soon as possible,~~ Attorneys shall promptly file notices of appearance. Counsel who file any pleading with the Office of the Clerk or the chief arbitrator have entered an appearance and shall be deemed counsel of record.

(3) On written motion served on the party represented and all other parties of record, the chief arbitrator shall grant counsel of record leave to withdraw for good cause shown.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.003, Amended _____.

60Q-3.004 Filing and Service.

(1) In construing these rules, any applicable statute, any order of an arbitration panel, or any order of ~~the~~ a chief arbitrator, filing means shall mean receipt by the Office of the Clerk during normal business hours or by the chief arbitrator during the course of a hearing.

(2) Any pleading or other document received by the Office of the Clerk after 5:00 p.m. ~~P.M.~~ shall be filed as of 8:00 a.m. ~~A.M.~~ on the next regular business day.

(3) All pleadings or other documents tendered for filing shall be accompanied by a copy of each pleading or other document ~~three copies of each paper~~ to be filed.

(4) Whenever a party files a pleading or other document ~~with the Office of the Clerk or the chief arbitrator~~, that party shall simultaneously serve copies of ~~the pleading or other document~~ upon the other parties to the proceeding and, after the arbitration panel has been confirmed, upon the arbitrators other than the chief arbitrator ~~by mail or personal delivery~~. Service on counsel of record ~~is shall be~~ the equivalent of service on the party represented for all purposes. ~~A certificate attesting to service by mail or personal delivery shall be included in or attached to each pleading or other document filed with the Office of the Clerk or the chief arbitrator.~~

(5) All pleadings and other documents ~~motions~~ filed shall contain the following:

- (a) The style of the proceeding ~~involved~~;
- (b) The ~~docket, case or file~~ number, if any;
- (c) The name of the party on whose behalf the document pleading is filed;
- (d) The name, address, and telephone number of the person filing the document pleading or motion;
- (e) The signature of the person filing the document pleading or motion; and

(f) A certificate of service attesting that copies have been furnished to other parties and their arbitrators as required by ~~section four of~~ this rule.

(6) All pleadings and other documents ~~papers~~ filed shall be styled in such a manner as to indicate clearly the subject matter of the document paper and ~~the~~ each party requesting relief.

(7) All pleadings and other documents ~~motions~~ shall be filed on ~~opaque, unglossed,~~ white paper measuring 8 1/2 by 11 inches, with margins of no less than one inch. Originals shall be printed or typewritten in black ink, double-spaced. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(8) A party who files a document by electronic transmission represents that the original physically-signed document will be retained by that party for the duration of the proceeding and any subsequent appeal. The party shall produce it upon the request of any other party or the Division.

(9) Any party who elects to file a document by electronic transmission is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed as a result.

(10) The filing date for an electronically-transmitted document is the date the Division receives the complete document.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.004, Amended _____.

60Q-3.005 Initiation of Arbitration Proceedings.

(1) All parties ~~agreeing consenting~~ to arbitration shall execute and file with the Office of the Clerk a request for arbitration substantially in the following form:

"We hereby agree to submit to arbitration under Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code, ~~the determination of the amount of damages arising from the following medical incident: (Describe the medical incident briefly, specifying dates and the categories of damages sought).~~ the following controversy: (Describe briefly, specifying dates.)

We further agree that the determination of the amount of damages ~~this controversy~~ be submitted to a three-member panel constituted or reconstituted in accordance with Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.

We further agree that we will faithfully observe this agreement and all applicable statutory and rule provisions, and that we will abide by and ~~fulfill perform~~ any award rendered by an arbitration panel and that a judgment of ~~a~~ the court having jurisdiction may be entered on the award, provided only that the liability of any insurer shall be subject to applicable insurance policy limits."

(2) The request for arbitration shall contain the name and address of each party joining in the request and shall also state the name and address of each party who, although not joining in the request, was named in a notice of intent to initiate litigation served in connection with the controversy.

~~(2) The parties shall attach to their request for arbitration copies of all notices of intent to initiate litigation served in connection with the controversy.~~

~~(3) In the event the insurer or self-insurer of a defendant joins in a request for arbitration in which the insured defendant fails to join, or accepts an offer to arbitrate which the insured defendant does not accept, the insurer or self-insurer shall attach the insured defendant's written consent to the insurer's or self-insurer's participation in arbitration.~~

~~(3)(4) No filing fee is shall be required in order to initiate arbitration under these rules.~~

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-212 FS. History—New 9-6-88, Formerly 22I-7.005, Amended _____.

60Q-3.006 ~~Motions and~~ Stipulations to Terminate Assessment Arbitration.

At any time before entry of an arbitration award, all parties may agree to terminate the arbitration proceedings.

~~(1) The chief arbitrator shall rule on motions to terminate arbitration, but shall deny any motion to terminate arbitration made out of time.~~

~~(2) No motion to terminate assessment arbitration shall be granted, unless the movant shows that a non-arbitrating claimant has filed a notice of intent to initiate litigation against an arbitrating defendant on account of the same medical incident.~~

~~(3) No motion to terminate shall be filed more than 20 days after the movant receives a copy, or otherwise obtains actual knowledge, of a notice of intent to initiate litigation filed by a claimant or claimants who neither joined in the original notice of intent to initiate litigation nor thereafter offered or accepted an offer to arbitrate.~~

~~(4) At any time before entry of an arbitration award, all parties may agree in writing to terminate assessment arbitration, with or without prejudice to the initiation of allocation proceedings. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of assessment arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

~~(5) At any time before entry of an arbitration award, all parties may agree in writing to terminate arbitration proceedings altogether. When filed with the Office of the Clerk, such an agreement shall preclude subsequent initiation or resumption of arbitration proceedings, except for purposes of Rule 60Q-3.034.~~

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-212 FS. History—New 9-6-88, Formerly 22I-7.006, Amended _____.

60Q-3.007 Assessment Arbitration Panels.

(1) When the Director determines that an offer to arbitrate has been made and accepted in substantial conformity with Rule 60Q-3.005, Florida Administrative Code, ~~and Section 766.207(9), (10), Florida Statutes,~~ the Director shall appoint an Administrative Law Judge as chief arbitrator of ~~the an~~ a ~~Assessment a~~ Arbitration ~~p~~Panel.

(2) The chief arbitrator shall execute a certificate, as follows: "I hereby certify that to the best of my knowledge and as far as I have been able with reasonable diligence to discover, I am and shall remain, for the pendency of these proceedings, independent of all parties, witnesses, and legal counsel, and that I am not and shall not become, during the pendency of these proceedings, an officer, director, shareholder, or employee of any party, its affiliate or subsidiary, or of any witness or legal counsel involved in this arbitration." ~~Any arbitrator appointed pursuant to sections seven, eight or nine of this rule who has not already done so shall execute a like certificate.~~

(3) Within 20 days of the order appointing the chief arbitrator, the parties may select arbitrators and alternates by filing their names, addresses and telephone numbers ~~with the Office of the Clerk,~~ along with certificates in the form set out in ~~section two~~ of this rule executed by the arbitrators and alternates named. The claimant or claimants shall select an

arbitrator and up to two alternates, and the defendant or defendants shall select a different arbitrator and up to two alternates.

(4) In the absence of agreement among multiple defendants or multiple claimants, each party unable to reach agreement may nominate an arbitrator by filing the nominee's name, address and telephone number, along with a certificate in the form set out in ~~section two~~ of this rule executed by the nominee, within 20 days of the order appointing the chief arbitrator.

(5) On motion filed within 20 days of the order appointing the chief arbitrator, ~~the chief arbitrator~~ the Director may, for good cause shown, extend the time for ~~selection or~~ nomination of arbitrators up to 40 days from the day on which the chief arbitrator was appointed.

(6) When the parties ~~or any of them~~ have selected arbitrators in conformity with ~~section three~~ of this rule, the Director shall enter an order confirming the selection.

~~(7) If a party entitled to select an arbitrator fails to do so~~ When one or more parties have failed to select an arbitrator in conformity with ~~section three~~ of this rule, the Director shall ~~select~~ appoint an additional arbitrator from the alternates submitted by any other party to serve instead of the arbitrator not selected. The Director shall appoint as arbitrator an alternate or nominee named by the party or parties entitled to select, if an alternate or nominee has been designated in conformity with ~~sections three or four~~ of this rule.

(8) If the chief arbitrator resigns or is otherwise unavailable to participate in assessment arbitration, the Director shall appoint another Administrative Law Judge as chief arbitrator.

(9) If an arbitrator other than the chief arbitrator resigns or is otherwise unavailable to participate at the time and place established for the assessment arbitration hearing, the Director shall appoint as a replacement an alternate ~~or nominee~~ designated in conformity with ~~sections three or four~~ of this rule by the party or parties entitled to select, unless none so designated is available.

Specific Authority ~~120.53(1), 120.65(10), (11)~~, 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Amended 5-7-90, Formerly 221-7.007, Amended.

60Q-3.008 Ex Parte Communications.

(1) No party or other person directly or indirectly interested in an arbitration proceeding nor anyone authorized to act on behalf of a party or other interested person shall communicate ex parte with an arbitrator or nominee relative to the merits of the arbitration proceeding, threaten an arbitrator or nominee, or offer an arbitrator or nominee any reward.

(2) An arbitrator or nominee who becomes aware of a violation of ~~section one~~ of this rule shall recite the circumstances in a memorandum, attaching any offending

written communication, and file the memorandum ~~with the Office of the Clerk~~ as promptly as circumstances permit, simultaneously serving all parties and other arbitrators.

(3) The chief arbitrator may order any reasonable sanctions for violation of this rule, including an award of costs and fees occasioned by the violation, and forfeiture of an arbitrator's compensation. The Director may, after notice and an opportunity for a hearing, remove an arbitrator for failure to comply with ~~section two~~ of this rule.

Specific Authority ~~120.53(1), 120.65(10)~~, 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.008, Amended.

60Q-3.009 Disqualification of Arbitrators.

(1) Unless good cause is shown, ~~all~~ motions for disqualification of arbitrators shall be filed ~~with the Office of the Clerk~~ at least 15 days before the arbitration hearing. At least one affidavit shall accompany the motion and state particular grounds, ~~which shall be limited to those for which a judge may be disqualified, and to those set out in Section 766.207, Florida Statutes.~~ A motion to disqualify the chief arbitrator shall be limited to those grounds for which a judge may be disqualified. Any party filing a motion for disqualification shall state all grounds for an arbitrator's disqualification in one motion, if known to, or discoverable with reasonable diligence by, the movant.

(2) Unless denied by the chief arbitrator as untimely, or as being a successive motion ~~filed in violation of section one~~, the motion shall be ruled on by the Director, whose sole function shall be to determine the legal sufficiency of the motion and affidavit. The Director shall, for purposes of the motion, take as true all allegations of fact in the affidavit, unless the movant has previously sought disqualification of an another arbitrator in the same case.

Specific Authority ~~120.53(1), 120.65(10)~~, 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.009, Amended.

60Q-3.010 Consolidation.

Specific Authority ~~120.53(1), 120.65(10)~~, 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.010, Repealed.

60Q-3.011 Discovery.

(1) Parties may obtain discovery as through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure, provided that no party defendant may serve ~~on any claimant nor any claimant serve on any defendant~~ any written interrogatories, requests for production or inspection, requests for admissions or requests for physical or mental examinations later than 50 ~~70~~ days before the assessment arbitration hearing, or after such other date as the chief arbitrator may order orders.

(2) Objections or motions for protective orders addressed to written interrogatories, requests for production or inspection, requests for admissions or requests for physical or

mental examinations must be served within 20 ~~five~~ days of receipt, unless the chief arbitrator sets another time by which objections and motions for protective orders must be served. Unless made timely, all ~~such~~ objections are waived, and no ~~such~~ motion for protective order will shall be granted.

~~(3) Unless, within five days of receipt of the objections, a party upon whom objections are served files a motion to compel contesting the objections, the objections shall be sustained. Motions to compel discovery shall contain a statement certifying that the movant has conferred with the opposing parties in a good faith effort to resolve by agreement each issue raised and that they have been unable to do so. Motions to compel discovery shall quote verbatim each interrogatory, request for admission, request for production or inspection, or request for physical or mental examination, and the response thereto, followed by a statement of the grounds for the motion. Grounds shall be addressed to the specific interrogatory or request and may not be stated generally.~~

~~(4) In the absence of timely objections or a timely motion for protective order, the parties shall answer written interrogatories and requests for admissions and comply with requests for production or inspection, or requests for physical or mental examinations, within 30 days, notwithstanding Rule 1.340(a), Florida Rules of Civil Procedure.~~

~~(4)(5) All depositions of assessment arbitration witnesses and all physical or mental examinations must be completed no later than 20 days before the assessment arbitration proceeding, unless the chief arbitrator sets a different time. Counsel shall not be present for any physical or mental examination of a claimant.~~

~~(5)(6) Sanctions to enforce discovery shall include those provided by the Florida Rules of Civil Procedure, except contempt.~~

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 221-7.011, Amended _____.

60Q-3.0111 Motions.

(1) All requests for relief shall be by motion. Written motions will normally be disposed of on the basis of the motion, together with any memoranda in support or in opposition, following the expiration of a seven-day response period. If the subject matter of the motion requires an earlier ruling, or if the chief arbitrator determines that oral argument is required, the movant shall arrange a motion hearing, which may be by telephonic conference call.

(2) Motions shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion.

(3) Oral argument on motions is not a matter of right, but may be allowed by the chief arbitrator if requested by the movant at the time the motion is filed, or by any other party within seven days of the filing of the motion.

Specific Authority 766.207(9), (10) FS. Law Implemented 766.201-.212 FS. History–New _____.

60Q-3.012 Subpoenas.

(1) The chief arbitrator shall issue subpoenas on forms supplied by the Division. Subpoenas shall issue in blank except for the style of the case, the case number, the name, address and telephone number of the attorney or party requesting the subpoena, and the chief arbitrator's signature, which may be by facsimile signature.

(2) Any party or any person on whom a subpoena is served or to whom a subpoena is directed, may file a motion to quash or for protective order with the chief arbitrator ~~before whom the case is pending.~~

(3) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made in the manner provided by law for service of subpoenas issued by courts. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

(4) Witness fees shall be paid by the party at whose instance the witness is summoned. Witness fees shall be tendered at the time of service of a subpoena. The fees allowed shall be the same as those allowed by the circuit courts of ~~Florida~~ the state. ~~This rule does section shall~~ not limit the fees of expert witnesses.

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 221-7.012, Amended _____.

60Q-3.013 Case Management.

Except as to matters ~~these rules or~~ Sections 766.201 through 766.212, Florida Statutes, specifically require arbitration panels or the Director to decide, the chief arbitrator may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy and inexpensive determination of all aspects of the case.

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 221-7.013, Amended _____.

60Q-3.014 Exhibits.

Specific Authority ~~120.53(1), 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 221-7.014, Repealed _____.

60Q-3.015 Evidence.

Specific Authority ~~120.53(1), 120.58, 120.65(10),~~ 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 221-7.015, Repealed _____.

60Q-3.016 Recordation.

~~(1) The defendant shall chief arbitrator may require one or more defendants to arrange for and bear the initial expense of a court reporter's appearance at the assessment an arbitration and any allocation arbitration hearings hearing and recordation of the proceeding.~~

~~(2) Any party may arrange for any proceeding to be recorded at his, her or its own expense.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.016, Amended _____.

60Q-3.017 Venue.

Unless all parties otherwise agree, arbitration shall take place in the county in which the medical incident occurred or in which a defendant who lives in Florida resides.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.017.

60Q-3.018 Notice of Assessment Arbitration.

(1) After ~~the panel has been confirmed conferring with the other arbitrators~~, the chief arbitrator shall set a time and place for assessment arbitration and give the parties at least 90 days' notice, unless prior proceedings resulted eventuated in misarbitration. The notice shall state the time, place and nature of the hearing and refer to Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.

(2) In the event a motion for continuance is granted, the chief arbitrator shall set a different time and place for assessment arbitration, ~~after conferring with the other arbitrators~~, but need not give 90 days' notice of the new time.

(3) In the event prior proceedings resulted eventuated in misarbitration, the chief arbitrator shall, ~~after conferring with the other arbitrators~~, set a time and place for arbitration and give the parties at least 15 days' notice.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.018, Amended _____.

60Q-3.019 Continuances.

(1) ~~On timely motion~~, The chief arbitrator may grant a continuance for good cause shown. Except in cases of ~~extreme~~ emergency, all requests for postponement of an arbitration hearing shall be made by motion for continuance filed within ~~20 ten~~ days of service of the notice of arbitration hearing.

(2) Upon stipulation of all parties, the chief arbitrator may grant a continuance at any time, ~~unless a hearing is in progress. When an arbitration hearing is in progress, the Arbitration Panel shall rule on motions for continuance.~~

(3) No allocation arbitration hearing shall be continued to a time more than 65 days beyond the date of an arbitration award, or of the filing of the parties' agreement to terminate assessment arbitration, unless all claimants agree in writing.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.019, Amended _____.

60Q-3.020 Informal Assessment Arbitration.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.020, Repealed _____.

60Q-3.021 Mandatory Disclosure Before Assessment Arbitration.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 22I-7.021, Repealed _____.

60Q-3.022 Assessment Arbitration Pre-Hearing Requirements ~~Mandatory Filings for Assessment Arbitration.~~

(1) No later than 15 ~~20~~ days before the assessment arbitration hearing, or by such other time as the chief arbitrator orders, the parties shall file a pre-hearing ~~prehearing~~ stipulation, which shall contain:

- (a) A brief general statement of each party's position;
- (b) A list of all exhibits to be offered at the hearing, noting any objections thereto, and the grounds for each objection;
- (c) A list of the names and addresses of all witnesses intended to be called at the hearing by each party. Expert witnesses shall be designated;
- (d) A concise, but detailed statement of those facts which are admitted and will require no proof at hearing, together with any reservations directed to such admissions;
- (e) A concise statement of those issues of law on which there is agreement;
- (f) A concise statement of those issues of fact which remain to be litigated;
- (g) A concise statement of those issues of law which remain for determination;
- (h) A concise statement of any disagreement as to the application of the rules of evidence;
- (i) An estimate of the length of time the hearing will require;
- (j) A list of all motions or other matters which require action by the chief arbitrator; and
- (k) The signature of counsel for all parties represented by counsel and of all parties not represented ~~unrepresented~~ by counsel.

(2) No later than 10 ~~20~~ days before the assessment arbitration hearing, the parties, or their attorneys, shall meet to discuss the possibility of amicable resolution of the proceeding. ~~or by such other time as the chief arbitrator orders, each party shall file:~~

- ~~(a) A proposed arbitration award specifying an amount, where applicable, for past medical expenses, loss of past earnings, future medical expenses, loss of future earnings or earning capacity, and noneconomic losses, all net of collateral sources; and~~

(b) Updated information of any kind required to be disclosed under Rule 60Q-3.021.

(3) Any party entitled to do so may file proposed findings of fact and conclusions of law no later than 20 days before the assessment arbitration hearing, or by such other time as the chief arbitrator orders.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 22I-7.022, Amended _____.~~

60Q-3.023 Attorney's Fees.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 22I-7.023, Repealed _____.~~

60Q-3.024 Arbitration Award.

(1) Unless the ~~a~~Assessment ~~a~~Arbitration ~~p~~Panel unanimously decides to defer entry of the arbitration award, the arbitration award shall be announced on the record after the conclusion of the evidence.

(2) The chief arbitrator shall sign the arbitration award within 10 days from the conclusion of the evidence. For purposes of computing time, an arbitration award is made on the day it is filed with the Office of the Clerk. At least two members of the Assessment Arbitration Panel shall sign the arbitration award, which shall bear the date on which the second arbitrator signs. For purposes of computing time under these rules and under Section 58 of Chapter 88-1, Laws of Florida, an arbitration award is made on the day the second arbitrator signs, regardless of when it is filed with the Office of the Clerk.

(3) The arbitration award shall name all arbitrating defendants, indicating applicable policy limits for any insurer or self-insurer; and shall specify the amount of all damages as to each claimant, as a lump sum, with future damages, if any, reduced to present value.

(4) In addition, unless waived by all parties, the arbitration award shall, as to each claimant who proves future economic damages, specify sufficient periodic payments to compensate the claimant for future economic damages, after offset for collateral sources, by setting the dollar amounts of the payments, the interval between payments, and the date of the final payment. When an arbitration award specifies such periodic payments, it shall also specify noneconomic damages and net economic damages already sustained and state each as a lump sum for each claimant.

(5) The arbitration award shall specify the amount of any attorney's fees awarded and the name of the claimant or claimants to whom the fees are awarded. When a lawyer or a group of lawyers represents more than one claimant, attorney's fees may be awarded jointly to the claimants represented.

(6) The arbitration award may contain findings of fact and conclusions of law, but findings of fact and conclusions of law may also be separately stated. If separately stated, they shall be prepared in keeping with the schedule the chief arbitrator shall

order, which shall allow an opportunity for each arbitrator to dissent from any finding or conclusion. No finding of fact need be made on any subject on which no party has timely filed a proposed finding of fact.

(7) ~~Unless an arbitrating defendant initiates allocation arbitration in accordance with Rule 60Q-3.026, within 20 days of an arbitration award, the arbitration award shall become final agency action for purposes of appeal and enforcement, in accordance with Section 766.212, Florida Statutes, on the 30th day after the award is made.~~

(8) ~~If an arbitrating defendant initiates allocation arbitration in accordance with Rule 60Q-3.026 within 20 days of an arbitration award, the arbitration award shall become final agency action for purposes of appeal and enforcement, in accordance with Section 766.212, Florida Statutes, on the day allocation arbitration concludes. Allocation arbitration proceedings shall conclude when an order dismissing the demand for allocation, an order concluding allocation arbitration for failure to reach agreement, an order allocating responsibility among multiple defendants, or a stipulation as to allocation, executed by all defendants against whom the arbitration award was made, is filed with the Office of the Clerk.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 22I-7.024, Amended _____.~~

60Q-3.025 Assessment Misarbitration.

(1) If no two members of the ~~a~~Assessment ~~a~~Arbitration ~~p~~Panel can agree on an arbitration award, the chief arbitrator shall enter an order of misarbitration, which shall be effective when filed with the Office of the Clerk.

(2) Within 20 days of an order of misarbitration, the parties shall nominate at least three but no more than five arbitrators other than an arbitrator from the proceeding which resulted in misarbitration by filing the nominees' names, addresses and telephone numbers with the Office of the Clerk, along with certificates, in the form set out in Rule 60Q-3.007(2). The Director shall appoint two nominees as arbitrators, provided that if more than one party complies with this section within 20 days of an order of misarbitration, the Director shall appoint arbitrators nominated by different parties.

(3) ~~If no party complies with section two of this rule within 20 days of an order of misarbitration, the Director shall appoint other arbitrators.~~

(3)(4) At any assessment arbitration hearing following misarbitration, no party may offer present exhibits or call witnesses not ~~offered presented~~ or called at the assessment arbitration hearing preceding misarbitration, provided that the transcript of testimony given at a prior assessment arbitration hearing by a witness who is unavailable at a later hearing may be offered as an exhibit.

Specific Authority ~~120.53(1), 120.65(10),(11)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Amended 5-7-90, Formerly 22I-7.025, Amended.

60Q-3.026 Initiation of Allocation Arbitration Proceedings.

(1) Where more than one defendant has participated in an assessment arbitration proceeding, any defendant against whom an arbitration award has been made may initiate allocation arbitration proceedings by filing a demand for allocation with the Office of the Clerk within 20 days of the arbitration award, or of the filing of the parties' agreement to terminate assessment arbitration, and simultaneously serving copies of the demand on all other defendants in parties to the assessment arbitration proceeding in which the arbitration award was made.

(2) A demand for allocation shall specify in detail every act or omission on account of which any defendant named in the notice of intent to initiate litigation should be held responsible for the damages assessed in the arbitration award. ~~When required by Rule 60Q-3.028, N~~omination of arbitrators shall accompany the demand for allocation.

(3) Any arbitrating defendant upon whom a demand for allocation is served shall file an answer admitting or denying every allegation made in the demand within 10 days of service of the demand; and may, at the same time, serve a cross-demand for allocation specifying in detail any other acts or omissions on account of which any defendant named in the notice of intent to initiate litigation should be held responsible for the damages assessed in the arbitration proceeding award.

(4) Any arbitrating defendant upon whom a cross-demand for allocation is served shall file an answer admitting or denying every allegation made in the cross-demand within 10 days of service of the cross-demand.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.026, Amended.

60Q-3.027 ~~Motions and~~ Stipulations to Terminate Allocation Arbitration.

~~(1) At any time before allocation arbitration proceedings conclude, any party to the assessment arbitration proceeding may move to dismiss the demand for allocation on grounds the demand for allocation was not filed within the time provided by Rule 60Q-3.026.~~

~~(2) If the demand for allocation is untimely, the chief arbitrator shall enter an order dismissing the demand for allocation, which shall conclude all arbitration proceedings.~~

~~(3) At any time before an order allocating financial responsibility is entered, all arbitrating defendants may agree to entry of a stipulated statement allocating financial responsibility, which, when signed by all arbitrating defendants parties and filed ~~with the Office of the Clerk~~, shall have the same effect as an order allocating financial responsibility.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History–New 9-6-88, Formerly 22I-7.027, Amended.

60Q-3.028 Allocation Arbitration Panels.

~~(1) The chief arbitrator of the Assessment Arbitration Panel shall serve as chief arbitrator of the Allocation Arbitration Panel.~~

~~(1)(2) If all arbitrating defendants agree in writing, they may, within 20 twenty days of the arbitration award, select one or two arbitrators, and up to four alternates, by filing their names, addresses and telephone numbers with the Office of the Clerk, along with certificates in accordance with Rule 60Q-3.007, in the form set out in section three of this rule, executed by each nominee arbitrator and alternate named. At least one arbitrator so selected shall be a medical practitioner and so designated. The other arbitrator and all alternates shall be either medical practitioners or, if a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved, certified hospital risk managers, and each shall be so designated.~~

~~(2)(3) Unless all arbitrating defendants agree on have already selected two arbitrators, in accordance with section two of this rule, any the party filing the initial a demand for allocation shall simultaneously nominate at least one, but no more than five, arbitrators, by filing their names, addresses and telephone numbers with the Office of the Clerk, along with the required certificates executed by each nominee, as follows: "I hereby certify that to the best of my knowledge and as far as I have been able with reasonable diligence to discover, I am, and shall remain, for the pendency of these proceedings, independent of all parties, witnesses, and legal counsel, and that I am not and shall not become, during the pendency of these proceedings, an officer, director, shareholder, or employee of any party, its affiliate or subsidiary, or of any witness or legal counsel involved in this arbitration."~~

~~(3)(4) Unless all arbitrating defendants have already selected two arbitrators in accordance with section two of this rule, each arbitrating defendant, Each arbitrating defendant, other than the defendant who files the initial demand for allocation, shall, within 10 days of receipt of the initial demand for allocation, nominate up to five arbitrators, by filing their names, addresses and telephone numbers with the Office of the Clerk, along with the required certificates executed by each nominee, in the form set out in section three of this rule.~~

~~(5) Except for hospitals licensed pursuant to Chapter 395, Florida Statutes, and such hospitals' insurers, arbitrating defendants proceeding under section four of this rule shall nominate medical practitioners as arbitrators. Hospitals licensed pursuant to Chapter 395, Florida Statutes, and their insurers who are proceeding under section four of this rule shall nominate certified hospital risk managers as arbitrators.~~

~~(6) Unless all arbitrating defendants have selected two arbitrators in accordance with section two of this rule, the Director shall appoint the arbitrator or arbitrators not selected from nominees or alternates designated in conformity with sections two, three or four of this rule.~~

~~(a) If all arbitrating defendants have selected only one arbitrator, the chief arbitrator shall enter an order confirming the selection, if the arbitrator selected is a medical practitioner, or, if a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved in the arbitration proceeding, a certified hospital risk manager.~~

~~(b) When all arbitrating defendants have selected two arbitrators in accordance with section two of this rule, the chief arbitrator shall enter an order confirming the selection, if both arbitrators are medical practitioners, unless a hospital licensed pursuant to Chapter 395, Florida Statutes, is involved in the arbitration proceeding. If such a hospital is so involved, the chief arbitrator shall enter an order confirming the selection, if one arbitrator is a medical practitioner and the other is a certified hospital risk manager.~~

~~(7) If the Director is unable to appoint an arbitrator or arbitrators as required by section six of this rule, and in conformity with Section 766.208, Florida Statutes, the Director shall appoint from rolls maintained for that purpose.~~

~~(4) Should any defendant fail or refuse to timely nominate arbitrators, the Director shall select the arbitrators other than the chief arbitrator from the lists submitted by the other defendants.~~

~~(5) When the defendants have selected arbitrators in conformity with this rule, the Director shall enter an order confirming the selection.~~

~~(6)(8) If the chief arbitrator resigns or is otherwise unavailable to participate in allocation arbitration, the Director shall appoint another Administrative Law Judge chief arbitrator.~~

~~(7)(9) If an arbitrator other than the chief arbitrator resigns or is otherwise unavailable to participate at the time and place established for the allocation arbitration hearing, the Director shall appoint as a replacement an alternate or nominee designated in conformity with sections two, three or four of this rule, but if none so designated is available, the Director shall appoint from rolls maintained for that purpose.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.028, Amended~~.

60Q-3.029 Notice of Allocation Arbitration.

~~(1) After conferring with the other arbitrators, the chief arbitrator shall set the a time and place for allocation arbitration and give the parties at least 30 days' notice. The notice shall state the time, place and nature of the hearing and refer to Sections 766.201 through 766.212, Florida Statutes, and Chapter 60Q-3, Florida Administrative Code.~~

~~(2) In the event a motion for continuance is granted, the chief arbitrator shall set a different time and place for allocation arbitration, after conferring with the other arbitrators, but need not give 30 days' notice of the new time.~~

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.029, Amended~~.

60Q-3.030 Informal Allocation Arbitration.

Specific Authority ~~120.53(1), 120.65(10), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History-New 9-6-88, Formerly 221-7.030, Amended~~.

60Q-3.031 Allocation Arbitration Pre-Hearing Requirements ~~Mandatory Filings for Allocation Arbitration.~~

~~(1) No later than 10 20 days before the allocation arbitration hearing, or by such other time as the chief arbitrator orders, the arbitrating defendants shall file a pre-hearing prehearing stipulation, which shall contain:~~

~~(a) A brief general statement of each party's position;~~

~~(b) A list of all exhibits to be offered at the hearing, noting any objections thereto, and the grounds for each objection;~~

~~(c) A list of the names and addresses of all witnesses intended to be called at the hearing by each party. Expert witnesses shall be designated;~~

~~(d) A concise, but detailed statement of those facts which are admitted and will require no proof at hearing, together with any reservations directed to such admissions;~~

~~(e) A concise statement of those issues of law on which there is agreement;~~

~~(f) A concise statement of those issues of fact which remain to be litigated;~~

~~(g) A concise statement of those issues of law which remain for determination;~~

~~(h) A concise statement of any disagreement as to the application of the rules of evidence;~~

~~(i) An estimate of the length of time the hearing will require;~~

~~(j) A list of all motions or other matters which require action by the chief arbitrator; and~~

~~(k) The signature of counsel for all parties represented by counsel and of all parties not represented ~~unrepresented~~ by counsel.~~

~~(2) No later than 5 days before the allocation arbitration hearing, the parties, or their attorneys, shall meet to discuss the possibility of amicable resolution of the proceeding. No later than 20 days before the allocation arbitration hearing or by such other time as the chief arbitrator orders, each arbitrating defendant shall file a proposed order allocating financial responsibility.~~

~~(3) Any party may file proposed findings of fact and conclusions of law no later than 20 days before the allocation arbitration hearing, or by such other time as the chief arbitrator orders.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.031, Amended _____.

60Q-3.032 Allocation of Financial Responsibility.

(1) Unless the ~~a~~Allocation ~~a~~Arbitration ~~p~~Panel unanimously decides to defer entry of the order allocating financial responsibility, the order ~~allocating financial responsibility~~ shall be announced on the record after the conclusion of the evidence signed and dated on the last day of the allocation arbitration hearing. In no event shall entry of the order allocating financial responsibility be deferred more than 20 days beyond the last day of the allocation arbitration hearing.

(2) The order allocating financial responsibility shall list all defendants named in the notice of intent to initiate litigation. As to each, the order ~~allocating financial responsibility~~ shall specify a percentage representing the share of responsibility each bears for the claimant's injuries. In addition, the order ~~allocating financial responsibility~~ shall apportion responsibility for the arbitration award among the arbitrating defendants.

(3) The chief arbitrator shall sign the order allocating financial responsibility within 10 days from the conclusion of the evidence. At least two members of the Allocation Arbitration Panel shall sign the order allocating financial responsibility, which shall bear the date on which the second arbitrator signs. When the order allocating financial responsibility is filed with the Office of the Clerk, the allocation arbitration is concluded concludes.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.032, Amended _____.

60Q-3.033 Allocation Misarbitration.

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.033, Repealed _____.

60Q-3.034 Arbitrators' Fees and Costs.

Specific Authority ~~120.53(1), 120.65(10)~~; (11), 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Amended 5-7-90, Formerly 221-7.034, Repealed _____.

60Q-3.035 Sanctions.

(1) ~~The chief arbitrator may impose reasonable sanctions for violations of these rules, or of any lawful order entered by an arbitration panel.~~ The Director or the chief arbitrator.

(2) ~~In appropriate cases, sanctions may be imposed under this rule in addition to sanctions authorized or required by other rules in this chapter.~~

(3) ~~Any party who fails to comply timely with Rules 60Q-3.021 or 60Q-3.022(2) thereby waives his, her or its rights under Rule 60Q-3.024(4) to have future economic damages stated as periodic payments, and also waives the right to submit proposed findings of fact and conclusions of law.~~

Specific Authority ~~120.53(1), 120.65(10)~~; 766.207(9),(10) FS. Law Implemented 766.201-.212 FS. History—New 9-6-88, Formerly 221-7.035, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judge Linda M. Rigot

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chief Judge Sharyn L. Smith

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:

Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
Permitted Medications for Racing Greyhounds	61D-6.007
Permitted Medications for Horses	61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to implement Florida Statutes which grant the Division the authority to adopt rules allowing the use of certain permitted medications within the parameters specified in the rule.

SUMMARY: These proposed rule amendments implement Florida Statutes necessary to allow the administration of sulfa drugs to racing animals within the guidelines set forth by the Division.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 120.80(4)(a), 550.0251(3),(11), 550.2415(13), (16) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.2415 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., April 20, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on these proposed rules may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-6.001 Purpose for Rules; Definitions Related to Drugs and Medications.

(1) through (2)(e) No change.

(f) "Sulfa drugs" means sulfa and sulfa-like antimicrobial medications and their metabolites, including but not limited to sulfadiazine, sulfamethazine, sulfadimethozine, sulfadimethoxine, sulfametranidazole, sulfapyridine, sulfathiazole, sulfamethoxazole, trimethoprim and pyrimethamine.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.2415 FS. History—New 10-20-96, Amended.

61D-6.007 Permitted Medications for Racing Greyhounds.

The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

(1) No change.

(2) Sulfa drug(s) is/are permitted to be administered to a racing greyhound providing:

(a) The racing greyhound is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(3) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(13), ~~(16)~~ FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended.

61D-6.008 Permitted Medications for Horses.

(1) through (4) No change.

(5) Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

~~(6)(5)~~ All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3),(11), 550.2415(13), ~~(16)~~ FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 1-5-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Applications for Licensure

RULE NO.: 64B15-12.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate the instructions and the application for examination and initial licensure.

SUMMARY: The Board is amending subsections (1) and (3) to update the rule text by incorporating the instructions and the application for examination and initial licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 459.0055, 459.006, 459.007 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 59W-10.001(1), Florida Administrative Code. The instructions and application form, DH-MQA 1029, 1/00, effective 6-4-91, entitled "Examination & Initial Licensure Application: (Section II: Application Form) DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" are hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) No change.

(3) Applications for licensure by endorsement must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.002(1), Florida Administrative Code. The application form, shall be the same form as referenced in subsection (1) above. DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year, a new application and fee must be submitted.

Specific Authority 459.005 FS. Law Implemented 459.0055, 459.006, 459.007 FS. History--New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.: RULE TITLES:

PART V – FILING OF RATES FOR HEALTH INSURANCE

- 4-149.101 Purpose
 - 4-149.102 Scope and Applicability
 - 4-149.103 Definitions
 - 4-149.104 Rate Filing Procedures
 - 4-149.105 Health Rate Filing Standards
 - 4-149.106 Pooling of Similar Health Contract Forms
 - 4-149.107 Credibility of Incurred Health Claims Experience
 - 4-149.108 Reasonableness of Benefits in Relation to Premiums
 - 4-149.109 Grounds for Disapproval
 - 4-149.110 Actuarial Memorandum for HealthRate Filings
 - 4-149.111 Annual Rate Filing Procedures
 - 4-149.112 Loss Ratio Guarantee Filings
- PART VI – FILING OF FORMS**
- 4-149.120 Purpose and Scope
 - 4-149.121 Form Filing Procedures
 - 4-149.122 Review
 - 4-149.123 Prohibited Policies

THIRD 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 Volume 23, No. 45, November 7, 1997 and Vol. 24, No. 46, November 13, 1998, of the Florida Administrative Weekly: Notices of change were published in Vol. 24, No. 20, May 15, 1998 and Vol. 24, No. 31, July 31, 1998.

Rules 4-149.101 through 4-149.123 are changed to read as follows:

RULE CHAPTER 4-149
FILING OF FORMS AND RATES FOR LIFE AND HEALTH INSURANCE

Part V Filing of Rates for Health Insurance

4-149.101 Purpose.

(1) The purpose of Part V of this rule chapter is to establish procedures for the filing of premium schedules for health insurance contract forms, as required by section 627.410, Florida Statutes. This Part provides the standards to be used in approving or disapproving health insurance premium schedules and rates pursuant to section 627.411, Florida Statutes.

(2) Rule 4-149.111 establishes the procedures for annual rate certification filing, pursuant to section 627.410(7), Florida Statutes.

(3) Rule 4-149.112 establishes procedures for the filing of premium schedules for health insurance contract forms with a loss ratio guarantee pursuant to section 627.410(8), Florida Statutes.