

SPECIFIC AUTHORITY: 381.006(16) FS.
 LAW IMPLEMENTED: 381.006(15) FS.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., July 28, 2000
 PLACE: Conference Room 240P, Department of Health, Bureau of Facility Programs, 4042 Bald Cypress Way, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4042 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4444, Ext. 2453
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Eligible Uses for the Loan
 RULE NO.: 67-38.008
 PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38.008(3)(d), Florida Administrative Code (FAC.), is to delineate legal fees eligible to be paid with Predevelopment Loan Funds. The purpose of the proposed revision to the above listed rule is to clarify this issue.
 SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop (if requested) will be held to receive comments and suggestions from interested persons relative to the development of the above listed rule for the Predevelopment Loan Program.
 SPECIFIC AUTHORITY: 420.528 FS.
 LAW IMPLEMENTED: 420.526, 420.527, 420.528 FS.
 IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., July 17, 2000
 PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melanie Jordan, Manager, or Joyce Martinez, Administrator, Predevelopment Loan Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.
 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:

67-38.008 Eligible Uses for the ~~Advance and/or the Loan.~~
 (3) ~~For Sponsors who elect to use PLP funds during the Pre-Acquisition Phase,~~ Eligible Predevelopment activities or expenses shall include, for example, the following:
 (d) ~~Legal fees that are reasonable and necessary and incurred in conjunction with acquiring or permitting of property; however, legal fees for litigation, application preparation or legal research are not considered eligible uses of Predevelopment Loan funds (development team's counsel);~~

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History--New 3-23-93, Amended 1-16-96, 5-21-96, Formerly 9I-38.008, Amended 3-26-98,_____.

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan
 RULE CHAPTER NO.: 9G-2
 RULE TITLE: State Comprehensive Emergency Management Plan Adopted
 RULE NO.: 9G-2.002
 PURPOSE AND EFFECT: Incorporates the State Comprehensive Emergency Management Plan into the Florida Administrative Code by reference.
 SUMMARY: Incorporates the State Comprehensive Emergency Management Plan into the Florida Administrative Code by reference.
 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: 252.35(2)(u) FS.
 LAW IMPLEMENTED: 252.35(2)(a) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
 TIME AND DATE: 9:00 a.m., August 8, 2000
 PLACE: Department of Community Affairs, Room 320Q, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Alfred O. Bragg, Assistant General Counsel, Office of the General Counsel, Department of Community Affairs, 2555

Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alfred O. Bragg, Assistant General Counsel, Office of the General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2000 Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Alfred O. Bragg, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32339-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. Craig Fugate, Chief, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32339-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 1998

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: Areawide Development of Regional Impact

RULE CHAPTER NO.: 9J-3

RULE TITLES:	RULE NOS.:
Standard Forms	9J-3.002
Criteria for Evaluation of Petition	9J-3.005
Order on Petition	9J-3.006
Areawide Application for Development Approval	9J-3.007
Withdrawal of Owner's Consent	9J-3.008
Previously Approved Development Plans	9J-3.009

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 380.032(2)(a) FS.

LAW IMPLEMENTED: 380.06(25) FS.

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

TIME AND DATE: 9:00 a.m., July 26, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, Suncom 292-1760 at least seven days before the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeff Bielling, Senior Management Analyst, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1760, Suncom 292-1760

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-3.002 Standard Forms.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.02, Amended 12-5-85, Repealed

9J-3.005 Criteria for Evaluation of Petition.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.05, Repealed

9J-3.006 Order on Petition.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.06, Amended 12-5-85, Repealed

9J-3.007 Areawide Application for Development Approval.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.07, Amended 12-5-85, Repealed

9J-3.008 Withdrawal of Owner's Consent.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 7-21-85, Formerly 9J-3.08, Amended 12-5-85, Repealed.

9J-3.009 Previously Approved Development Plans.

Specific Authority 120.53(1), 380.032(2), 380.06(23)(a),(25) FS. Law Implemented 380.06(25) FS. History--New 12-5-85, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Dennis, Planning Manager, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1765, Suncom 292-1765

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Beck, Director, Division of Community Planning, Department of Community Affairs

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

AGENCY FOR HEALTH CARE ADMINISTRATION**Division of Managed Care and Health Quality**

RULE TITLE: Nursing Services

RULE NO.: 59A-4.108

PURPOSE AND EFFECT: The Agency proposes to amend rule 59A-4.108 consistent with provisions of s. 400.23(3)(a), F.S. and 400.23(3)(b), F.S. that became effective July 1, 1999. The legislation provides for minimum staffing requirements for nursing homes and also provides for properly trained staff of a nursing facility to assist residents with eating. The amendments to rule 59A-4.108 specify the minimum staffing of a facility on a per shift basis as well as the training curriculum that must be provided to staff by a registered nurse or licensed speech or occupational therapists.

SUMMARY: Minimum staffing standards for nursing homes and training requirements in order for staff to assist residents with eating.

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: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 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., July 24, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.108 Nursing Services.

(1) The Administrator of each nursing home will designate one full time registered nurse as a Director of Nursing who shall be responsible and accountable for the supervision and administration of the total nursing services program. When a Director of Nursing is delegated institutional responsibilities, a full time qualified registered nurse shall be designated to serve as Assistant Director of Nursing. In a facility with a census of 121 or more residents, a Registered Nurse must be designated as an Assistant Director of Nursing.

(2) Persons designated as Director of Nursing or Assistant Director of Nursing shall serve only one nursing home facility in this capacity, and shall not serve as the administrator of the nursing home facility.

(3) The Director of Nursing shall designate one licensed nurse on each shift to be responsible for the delivery of nursing services during that shift.

(4)(a) Staffing. The nursing home facility shall have sufficient nursing staff, not counting administrators or managers, on all units, wings, and floors, on all shifts, including weekends, a 24-hour basis to provide each resident with the necessary care and services needed to attain or maintain nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. The facility must maintain will staff, at a minimum nursing staff of: an average of 1.7 hours of certified nursing assistant and .6 hours of licensed nursing staff time for each resident during a 24-hour period

1. Certified nursing assistants to residents of 1 certified nursing assistant to 10 residents between 7:00 a.m. to 3:00 p.m., 1 certified nursing assistant to 15 residents between 3:00 p.m. to 11:00 p.m. and 1 certified nursing assistant to 20 residents between 11:00 p.m. to 7:00 a.m. and;

2. Licensed nurses to residents of 1 licensed nurse to 30 residents between 7:00 a.m. to 3:00 p.m., 1 licensed nurse to 40 residents between 3:00 p.m. to 11:00 p.m. and 1 licensed nurse to 60 residents between 11:00 p.m. to 7:00 a.m.

(b) Documentation of Compliance with Staffing Standards. Compliance will be determined by using the agency's Nursing Home Staffing Ratio Compliance Worksheet dated June, 2000, incorporated by reference.

(c) Sanctions. Non-compliance with the minimum staffing standards will result in a Class III deficiency pursuant to ss. 400.23(8)(c), Florida Statutes.

(5) Facilities shall post the names of current staff on duty by shift and by location of assignment in a conspicuous location on each wing or unit of the facility that is easily visible to residents and their families.

~~(6)~~(5) In multi-story, multi-wing, or multi-station nursing home facilities, there shall be a minimum of one nursing services staff person who is capable of providing direct care on duty at all times on each floor, wing, or station.

~~(7)~~(6) No nursing services staff person shall be scheduled for more than 16 hours within a 24-hour period, for three consecutive days, except in an emergency. Emergencies shall be documented and shall be for a limited, specified period of time. An emergency is defined as a sudden, usually unexpected, occasion or combination of events calling for immediate action.

(8) Residents may be assisted with meals by non-nursing staff who have received prior approval and training, as determined by the Director of Nursing. Training must be provided to non-nursing staff by a registered nurse or licensed speech or occupational therapist. The curriculum must include: the importance of a well-balanced, nutritious menu; preparations before mealtime; proper techniques for assisting the resident who needs help with eating; the swallowing process; special eating utensils; diets that would include standard diets, therapeutic diets and personal dietary preferences to accommodate religious beliefs and cultural heritage; determining meal consumption; and quality of life and the dining experience. The nursing home must maintain records documenting the date, time and trainer for each non-nursing staff member who provides feeding assistance. In addition, the chart for each resident shall contain the name of the individual providing feeding assistance.

Specific Authority 400.022, 400.23 FS. Law Implemented 400.011, 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jeff Gregg, Chief, Bureau of Health Facility Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid**

RULE TITLE: Nursing Facility Services
 PURPOSE AND EFFECT: The purpose of this proposed rule is to incorporate by reference the revised Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, January 2000.

RULE NO.: 59G-4.200

SUMMARY: This rule amendment is to incorporate by reference the revised Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000.

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: 395.602, 409.919 FS.

LAW IMPLEMENTED 395.602, 400 Part II, 409.905, 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 IN WRITING, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 26, 2000
 PLACE: 2728 Ft. Knox Blvd., Building 3, Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)488-9990

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000 ~~January 1997~~, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 395.602, 409.919 FS. Law Implemented 400 Part II, 409.905, 409.908, 395.602 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Elsa Kellberg
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Durable Medical Equipment and Supplies
 RULE NO.: 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, October 1999. The handbook contains the 1999 Durable Medical Equipment and Supplies fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, October 1999. The handbook contains the 1999 fee schedule.

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: 409.906, 409.908, 409.907(7) 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., July 10, 2000

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alanna J. Wesley, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.070 Durable Medical Equipment and Supplies

(1) No change.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook, October 1999 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up EPSDF, 221 incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.907(7) FS. History--New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alanna J. Wesley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Maureen Hemmerly

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education
 RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: The Board determined it is necessary to amend the rule regarding the number of continuing education hours that may be granted to registered, licensed and certified appraisers, who attend a Board meeting wherein disciplinary matters are heard.

SUMMARY: The Board will consider the number of continuing education hours to grant for attendance at Board meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS.

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

TIME AND DATE: 9:00 a.m., August 1, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education

(1) through (6) No change.

(7) Of the required 30 classroom hours, 5 ~~4.5~~ hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the

entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 9 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

(8) through (9) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Experience Requirement
 RULE NO.: 61J1-6.001
 PURPOSE AND EFFECT: The rule is being amended to specify appraisal reports that will be accepted from state certified general real estate appraiser applicants.
 SUMMARY: All applicants to become state certified general real estate appraisers must show various types of appraisal experience. The Board is specifying the types of appraisal reports that will be considered to show fee and staff appraisal experience.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs 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 475.614 FS.
 LAW IMPLEMENTED 475.617 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., August 1, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5) Experience as defined in paragraph (2) above shall be accounted for on form 501.4, Appraisal Experience Log, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801, as follows:

(a) Fee and staff appraisers:

1. Licensed residential: Experience shall consist of a minimum of 120 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

2. Certified residential: Experience shall consist of a minimum of 150 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

3. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained narrative Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained narrative Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry, ~~or other proportional combination. In the event the nonresidential appraisal reports are form appraisal reports, 4 form appraisal reports will be equivalent to 1 narrative appraisal report. The nonresidential form appraisal report must meet the criteria of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes. If nonresidential form appraisal reports are claimed as experience, a minimum of 3 appraisal reports must be narrative. A narrative appraisal report shall consist of the following as a minimum and will be in a narrative format:~~

- ~~a. Property adequately described.~~
- ~~b. Highest and best use.~~
- ~~e. Physical, functional and economic factors affecting the value conclusion.~~

- d. Purpose, function, date of value, date of report.
 - e. Definition of value.
 - f. Direct sales comparison approach (or market approach) — must be addressed even if not used.
 - g. Income approach — must be addressed even if not used.
 - h. Cost approach (or cost depreciation approach) — must be addressed even if not used.
 - i. Estimated land value — must be addressed even if not used.
 - j. Final reconciliation.
 - k. Special and limiting conditions.
 - l. Certification.
- (b) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 6, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
 Therapy and Mental Health Counseling**

RULE TITLE: Examination for Licensure
 RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to set forth the examination for licensure for the different professions.

SUMMARY: The Board proposes to amend the rule to delete rule text that is no longer needed and to further clarify the examination for licensure for Clinical Social Workers, Mental Health Counselors and Marriage and Family Therapist.

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

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

SPECIFIC AUTHORITY: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

(1) An applicant for examination for licensure must apply to the Department no later than 120 days and submit supporting documentation necessary to determine eligibility no later than 90 days prior to the examination date, otherwise the applicant shall be scheduled for the next available examination. The application and examination fee must accompany the application.

(2) No change.

~~(3) The examination is composed of two parts (Part I and Part II). In order to be eligible for licensure, the applicant must receive a passing score on both parts. The applicant who fails to achieve a passing score on either part will only be required to retake the part failed, provided that a passing score on Part I of the examination shall only be valid for 24 months subsequent to the examination date on which the applicant achieved a passing score and a passing score on Part II of the examination shall be valid for five years subsequent to the examination date on which the applicant achieved a passing score.~~

~~(4) PART I — LAWS AND RULES — Applicants shall demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy and mental health counseling by either passing the laws and rules examination stated below or completing the laws and rules course pursuant to Rule 64B4-3.0035, Florida Administrative Code.~~

~~(a) The laws and rules examination (Part I) shall be an objective multiple choice examination developed by the Department. Each applicant for clinical social work, marriage and family therapist and mental health counselor licensure shall be required to pass this examination. It shall contain 30 questions which test knowledge of Florida Statutes and rules which the Board has determined are relevant to the practice of persons licensed under Chapter 491, Florida Statutes. All items shall be weighted equally in scoring the examination. A raw score of 24 correct answers (80%) shall be necessary in order to pass this part of the licensure examination.~~

(b) The subject area of Part I of the Examination shall include:

SUBJECT	NO. OF QUESTIONS
Chapter 455, Part II, F.S. (Regulation of Professions and Occupations, General Provisions Department of Health)	3
Chapter 90.503 (Psychotherapist-Patient Privilege)	1
Chapter 394, F.S. (Part I Florida Mental Health Act)	2
Chapter 397, F.S.	3
Chapters 415 and 39, Part I, F.S. (Protection from Abuse, Neglect and Exploitation)	3
Chapter 491, F.S. (Clinical, Counseling and Psychotherapy Services) Chapter 64B, F.A.C.	10
(Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)	8

~~(3)(5)~~ PART II— THEORY AND PRACTICE.

(a) CLINICAL SOCIAL WORKERS.

1. The theory and practice examination (~~Part II~~) for clinical social workers shall be the Clinical Level objective multiple choice examination developed by the ~~American~~ Association of ~~State~~ Social Work Boards (ASWB). (~~AASSWB~~). The minimum passing score is the recommended cut-off score provided by the national vendor established according to a standard-setting method. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

2. No change.

(b) MENTAL HEALTH COUNSELORS.

1. The national counselor examination (~~Part II~~) shall be an objective multiple choice examination developed by the National Board of Certified Counselors (NBCC). All items shall be weighted equally in scoring the examination. The minimum passing score shall be the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

2. An applicant for licensure as a mental health counselor is not required to take the theory and practice ~~Part II~~ of 64B4-3.003(5)(b) of the licensure examination if the following conditions are met:

a. through b. No change.

(c) MENTAL HEALTH COUNSELORS.

The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

(d) MARRIAGE AND FAMILY THERAPISTS.

1. The marital and family therapy examination (~~Part II~~) shall be an objective multiple choice examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board (AMFTRB) and the Professional Examination Service. All items will be weighted equally in scoring the examination. The minimum passing score is the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. A panel of experts in marriage and family therapy from across the country participate in the determination of the recommended passing score. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.

2. An applicant for licensure as a marriage and family therapist is not required to take the theory and practice ~~Part II~~ of 64B4-3.003(5)(c) of the licensure examination if the following conditions are met:

a. through b. No change.

~~(6) The licensure examinations may be provided in the applicant's native language; however, the applicant for examination or reexamination shall bear the full cost for the Department's development, preparation, administration, grading, and evaluation of any examination in a language other than English.~~

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History—New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Workers, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Workers, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Approval of Laws and Rules
 RULE NO.: 64B4-6.0045

Course Providers 64B4-6.0045

PURPOSE AND EFFECT: The Board proposes to update the rule text to further clarify the requirements for the laws and rules course provider status.

SUMMARY: The Board has determined that an amendment is necessary to increase the minimum hours from 6 to 8 hours to further clarify the laws and rules course provider status.

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: 491.004, 491.0085(4) FS.

LAW IMPLEMENTED: 491.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.0045 Approval of Laws and Rules Course Providers.

(1) Laws and rules course provider status shall be obtained prior to presenting laws and rules courses. Laws and rules course provider status shall be granted to those who satisfy the following requirements:

(a) Provide the Board with a sample laws and rule course containing a detailed agenda specifying content and time frames for instruction and meets all of the following criteria:

1. through 3. No change.
4. Is a minimum of eight (8) ~~six (6)~~ hours in duration.
5. through (3) No change.

Specific Authority 491.004, 491.0085(4) FS. Law Implemented 491.0085 FS. History--New 10-18-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Qualifications to Hold Oneself Out as
 RULE NO.: 64B4-7.007

Certified to Practice Juvenile Sex Offender Therapy 64B4-7.007

PURPOSE AND EFFECT: The Board is amending this rule to change the title and to update the rule text.

SUMMARY: The Board has determined that amendments are necessary in order to change the rule title and delete rule text that is no longer necessary to clarify the qualifications necessary to hold oneself out as certified to practice sex offender therapy.

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: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-1758

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 Qualifications to Hold Oneself Out as Certified to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor ~~to practice, or~~ to hold oneself out as one certified to practice juvenile sex offender therapy the licensee must have:

- (1) through (2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History--New 2-9-99, Amended 4-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES: RULE NOS.:
 Penalties 64B18-14.002
 Mediation 64B18-14.011

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B18-14.002 by updating the rule text to reflect recent statutory changes. Rule 64B18-14.011 is being amended to update the rule text with regard to violations for mediation offenses.

SUMMARY: The Board has determined that amendments are necessary in order to update the rule text to reflect recent statutory changes for certain violations pursuant to Section 455.624, F.S. The Board is amending Rule 64B18-14.011 to update the offenses for mediation.

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

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

SPECIFIC AUTHORITY: 455.614, 455.621(3), 455.711, 461.005, 461.013 FS.

LAW IMPLEMENTED: 455.614, 455.621(3), 455.624, 455.711, 461.005, 461.012, 461.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-14.002 Penalties.

(1) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under chapter 461, Florida Statutes, has committed any of the acts set forth in section 461.012, Florida Statutes, it shall issue a final order imposing appropriate penalties, plus costs based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (aa) No change.

(bb) Failure to report to the Department any licensee under Chapter 458 or 459, F.S., for violations of disciplinary provisions of their laws and rules. In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$250.

(cc) Failure to comply with the requirements of sections 381.026 and 381.0261, F.S., to provide patients with information regarding their patient rights. In the case of a licensee, the Board shall impose a penalty of a reprimand to probation and an administrative fine from \$250 to \$1000.

(dd) Entering a plea of nolo contendere to a crime which relates to the practice of, or the ability to practice podiatric medicine. In the case of a licensee, the Board shall impose a penalty of probation to revocation and an administrative fine of \$500 to \$1000. In the case of an applicant, the Board shall deny the application.

(ee) Failure to comply with HIV/AIDS education requirement. The Board shall impose an administrative fine from \$500 to \$1000.

(ff) Having been found liable in a civil proceeding for knowingly filing a false report or compliant with the Department against another licensee. The Board shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1000.

(gg) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. The Board shall impose a penalty ranging from probation to revocation and a fine of \$500 to \$1000.

(hh) Failure to comply with the requirements of profiling or credentialing. The Board shall impose an administrative fine from \$500 to \$1000.

(ii) Failure to report a criminal conviction or plea to the Board in writing within 30 days. The Board shall impose a penalty ranging from reprimand and a \$500 to \$1000 administrative fine up to probation and a \$500 to \$1000 administrative fine.

(jj) Using information about people involved in motor vehicle accidents which has been derived from accident reports. The Board shall impose a penalty ranging from reprimand to probation and an administrative fine of \$500.

(kk) Sexual misconduct under section 455.567, Florida Statutes, shall result in denial of licensure or relinquishment or revocation of the license.

(3) No change.

Specific Authority 455.621(3), 461.005, 461.013 FS. Law Implemented 455.621(3), 455.624, 461.005, 461.012, 461.013 FS. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, _____.

64B18-14.011 Mediation.

The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:

(1) Failure of the licensee to pay any assessed administrative fines or costs on time; assuming payment of the fine and the costs has been made, and

(2) No change.

Specific Authority 455.614, 455.711, 461.005 FS. Law Implemented 455.614, 455.711 FS. History—New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES: RULE NOS.:
General 64E-6.001
System Size Determinations 64E-6.008

PURPOSE AND EFFECT: Recent changes to Chapter 64E-6, Florida Administrative Code, included procedures for the voluntary inspections of existing onsite sewage treatment and disposal systems. The proposed rule amendments will allow persons performing such inspections to provide only those specific assessments deemed necessary by the person requesting the assessment. Also, the proposed change eliminates the appearance of the department having discretionary authority to require the separate installation of laundry systems.

SUMMARY: Areas to be addressed include rule requirements for and the department policy on voluntary inspection and assessment of existing systems and the use of separate laundry systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Not 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: 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS.

LAW IMPLEMENTED: 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 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, July 27, 2000

PLACE: Bureau of Onsite Sewage Programs, Conference Room 140 A, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Acting Bureau Chief, Onsite Sewage Program, HSES, 4052 Bald Cypress Way, Bin #A08 Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.001 General.

(1) through (4) No change.

(5) ~~If a person having ownership of, control of, or use of an onsite sewage treatment and disposal system requests to have the system inspected due to a reason that is not related to an increase in sewage flow or change in sewage characteristics, or failure of the system, the~~ The department Procedure for Voluntary Non-Mandatory Inspection and Assessment of Existing Systems, May, 2000 August 1999, herein incorporated by reference, shall be ~~used~~ applied except in situations pertaining to an increase in sewage flow or change in sewage characteristics, or failure of the system. The inspection is designed to assess the condition of a system at a particular moment in time. The inspection will identify obviously substandard systems, for example systems without drainfields. The inspection is not designed to determine precise code compliance, nor provide information to demonstrate that the system will adequately serve the use to be placed upon it by this or any subsequent owner. Nothing in this section shall be construed to limit the amount of detail an inspector may provide at their professional discretion. Persons allowed to perform work under this section shall be master septic tank contractors, registered septic tank contractors, state-licensed plumbers, and persons certified under section 381.0101, F.S. Department employees are excluded from performing these evaluations. Aerobic treatment units and performance-based treatment systems shall not be evaluated using this criteria, but shall be evaluated by the approved maintenance entity which maintains the unit or system. Nothing in this section restricts the person having ownership of, control of, or use of an onsite sewage treatment and disposal system from requesting a partial inspection. The inspector shall provide the person requesting the inspection a copy of the department Procedure for Voluntary Inspection and Assessment of Existing Systems and written notice of their right to request an inspection based on part or all of the standards.

(6) through (7) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00,_____.

64E-6.008 System Size Determinations.

(1) through (3) No change.

(4) ~~A separate laundry waste tank and drainfield system may be utilized for residences and may be required by the DOH county health department where~~ Where building codes allow separation of discharge pipes of the residence to separate stubouts and where lot sizes and setbacks allow system construction, the applicant may request a separate laundry waste tank and drainfield system. Where an aerobic treatment unit is used, all blackwater, graywater and laundry waste flows shall be consolidated and treated by the aerobic treatment unit. Where a residential laundry waste tank and drainfield system is used:

(5) through (6) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, 3-22-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dale Holcomb

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Gerald Briggs, Acting Bureau Chief, Onsite Sewage Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

June 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

May 12, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE TITLES:

Applicant/Recipient Fair Hearings Hearings Request and Notification of Right to Hearings

RULE NOS.:

65-2.042
65-2.043
65-2.047
65-2.060

Rejection of Hearing Request

Evidence

PURPOSE AND EFFECT: To include in rule 65-2.042, FAC., the exceptions to complying with certain sections of Chapter 28-106, Florida Administrative Code granted by the Administration Commission.

To clarify in rule 65-2.042, FAC. the reference to the former Department of Health and Rehabilitative Services as used in section 120.80, F.S.

To update rule 65-2.043, FAC. to remove obsolete language and clarify that only the Medicaid Program requires the Department to include a reference on a notice to the specific regulation that supports the Department’s action.

To update rule 65-2.047, FAC. to remove obsolete language and allow the hearing officer the discretion to resolve a case without a hearing. This would occur for example when both parties have offered a stipulated settlement.

To update the rule 65-2.060, FAC. to remove text that is duplicative of statutory language appearing in 120.569(2)(g), Florida Statute Section.

SUMMARY: The Department of Children and Family Services is amending the procedural rules used by the Department in the conduct of administrative hearings. These amendments are for the purpose of clarifying that the hearings are held under the Uniform Rules of Procedure and identifies the exceptions to complying with specific uniform rules granted by the Administration Commission. The amendments remove duplicate language or obsolete language from the rules. The amendments clarify Department’s notice requirement for public assistance actions. The amendments also allow the hearing officer to dismiss or reject a hearing request without a hearing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of regulatory cost was not prepared for this rule.

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: 409.285 FS.

LAW IMPLEMENTED: 409.285 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., July 26, 2000

PLACE: 1317 Winewood Boulevard, Building 5, Room 302, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Pritchard, Administrator, Office of Appeal Hearings, 1317 Winewood Blvd., Building 5, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65-2.042 Applicant/Recipient Fair Hearings.

(1) The ~~h~~Hearings covered by 65-2.042 et seq., are those within the Department of Children and Family Services in the execution of those social and economic programs administered by the former Division of Family Services of ~~the said~~ Department of Health and Rehabilitative Services prior to the reorganization effected by Chapter 75-48, Laws of Florida.

(2) through (5) No change.

(6) These hearings are conducted in accordance with FAC. 65-2.042 et seq., and the Uniform Rules of Procedure FAC 28-106. The Department has been granted exceptions to complying with the requirements of the following Uniform Rules by the Administration Commission: 28-106.104 Filing, 28-106.105 Appearances, 28-106.106 Who May Appear; Criteria for Qualified Representatives, 28-106.107 Standards

of Conduct for Qualified Representatives, 28-106.109 Notice to Interested Parties, 28-106.111 Point of Entry into Proceedings and Mediation, 28-106.201 Initiation of Proceeding, and 28-106.210 Continuances.

Specific Authority 409.285, ~~120.53, 20.05, 409.026~~ FS. Law Implemented 409.285, ~~120.53, 120.57, 120.58~~ FS., 7 CFR 271.1(e), 45 CFR 205.10. History—New 5-17-78, Formerly 10-2.42, 10-2.042, Amended.

65-2.043 Hearings Request and Notification of Right to Hearings.

(1) through (2) No change.

(3) In Food Stamp cases:

(a) The notice of adverse action shall be considered timely if the advance notice period provides at least 10 days from the date the notice is mailed to the date upon which it becomes effective. Also, if the advance notice period ends on a weekend or holiday, and a request for a Fair Hearing is received the day after the weekend or holiday, the Department shall consider the request timely. ~~For monthly reporting households whose benefits are to be terminated, suspended, or reduced based on information contained in an untimely monthly report or for failure to file a monthly report, the notice shall be considered timely if it is received by the household no later than the date benefits reflected on the notice are to be received or in place of the benefits when the benefits are terminated or suspended. When a household who has returned a timely and complete monthly report form incurs an adverse change in the amount of food stamp benefits as a result of the monthly report, the Department form, HRS-ES form 3050, Notice of Decision, incorporated in Rule 65A-1.400, will be sent to the household at least 10 days prior to the date of effective action.~~

(b) through (c) No change.

(4) In all other cases 'timely' means that the notice is mailed at least 10 days before the date of action, that is, the date upon which the action would become effective. 'Adequate' means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, ~~the specific regulations supporting such action,~~ explanation of the individual's right to request an evidentiary hearing (if provided) and a State Agency hearing, and the circumstances under which assistance is continued if a hearing is requested. The specific regulations supporting the action must be included for Medicaid actions.

~~(5)(a)~~ The agency shall dispense with timely notice but shall send adequate notice to be received no later than the effective date of the action when:

1. through 9. renumbered (a) through (i) No change.

10. In the Aid to Families with Dependent Children Program, the Department shall dispense with timely notice to recipients who are required to file a monthly report form only in those instances specified in Rule 65A-1.081(d)2.,(e)2.,(g) and (h)2. In all other instances, recipients subject to monthly reporting will receive 10 days advance notice of reduction or termination of benefits as set forth in 65A-1.081(h)1.

Specific Authority 409.285, ~~120.53, 20.05, 409.026~~ FS. Law Implemented 409.285, ~~120.53, 120.57, 120.58~~ FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.43, Amended 4-28-86, Formerly 10-2.043, Amended.

65-2.047 Rejection of Hearing Request.

~~A hHearing rRequest may only be rejected or dismissed by the hHearing oOfficer at the Hearing. This may only be done when:~~

~~(1) Either State or Federal Law require automatic grant adjustments for classes of recipients (including but not limited to: reduction in Medicaid benefits; adjustments stemming from OASDI increases) unless the reason for an individual appeal is incorrect grant computation.~~

~~(2) A request for a Hearing is made when a decision has been rendered after a WIN Hearing before the Employment Service that a participant has, without good cause, refused to accept employment or participate in the WIN Program or has failed to request such a Hearing after notice of intended action for such refusal.~~

~~(3) Requests are received with respect to Mandatory State Supplementation in accordance with agreement between the State and the Federal Department of Health, Education and Welfare pursuant to Section 212(b) of P.L. 93-66.~~

~~(4) The Appellant voluntarily withdraws the Request for Hearing in writing.~~

~~(5) The Request for Hearing is not filed within the time limits as provided by 10-2.046.~~

Specific Authority 409.285, ~~120.53, 20.05, 409.026~~ FS. Law Implemented 409.285, ~~120.53, 120.57, 120.58~~ FS., 7 CFR 271.1(e), 45 CFR 205.10, 45 CFR 224.65. History—New 5-17-78, Formerly 10-2.47, Amended 4-28-86, Formerly 10-2.047, Amended.

65-2.060 Evidence.

~~(1) The Hearing need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence, including hearsay which has substantial probative effect, shall be admitted if it is the sort of evidence on which reasonable prudent persons are accustomed to rely in the conduct of their affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil action; provided, however, hearsay evidence shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~(1)(2)~~ The burden of proof, except where otherwise required by statutes, is on the party asserting the affirmative of an issue. The burden is upon the Department when the Department takes action which would reduce or terminate the benefits or payments being received by the recipient. The burden is upon the petitioner if an application for benefits or

payments is denied. The party having the burden shall establish his/her position, by a preponderance of evidence, to the satisfaction of the hHearings officer.

~~(2)~~(3) When the hHearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a Medical Review Team's decision, if the hHearings officer considers it necessary, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at aAgency expense and made a part of the record.

Specific Authority ~~409.285, 120.53, 20.05, 409.026~~ FS. Law Implemented ~~409.285, 120.53, 120.57, 120.58~~ FS., ~~7 CFR 271.1(e), 45 CFR 205.10,~~ History—New 5-17-78, Formerly 10-2.60, 10-2.060, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

John Pritchard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Guiseppe Betta

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

June 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

October 8, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:

4-123.002 Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to form DI4-363 as proposed in the proposed rule in accordance with subparagraph 120.54(3)(d)l., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

The form was changed to correct spelling errors and to conform more closely with the statutes to be implemented.

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

RULE NOS.: RULE TITLES:

- 4-136.001 Purpose
- 4-136.002 Foreign Insurers Filing for a Certificate of Authority
- 4-136.003 Foreign and Alien Insurers Filing for a Certificate of Authority for Property and Casualty
- 4-136.004 Surplus Lines
- 4-136.005 Foreign and Alien Life and Accident and Health Insurers
- 4-136.006 Domestic Insurers Filing for an Application for Permit

- 4-136.007 Applications for Permit Submitted for Domestic Assessable Mutual Insurers
- 4-136.008 Permit for Domestic Property and Casualty Insurers
- 4-136.009 Application for Permit, Domestic Captive Insurer
- 4-136.010 Permit for Domestic Life, Accident and Health
- 4-136.011 Domestic Insurers Filing for a Certificate of Authority
- 4-136.012 Forms Adopted
- 4-136.015 Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business Purpose
- 4-136.030 Registration as a Purchasing Group
- 4-136.031 Restriction on Insurance Purchased by Purchasing Groups
- 4-136.033

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 8, February 25, 2000, of the Florida Administrative Weekly: Due to comments and the workshop and some JAPC concerns the rule has been changed to read:

RULE CHAPTER 4-136

APPLICATION PROCEDURES FOR COMPANIES

SEEKING TO DO BUSINESS IN FLORIDA

PART I APPLICATION PROCEDURES

4-136.001 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.401, 624.404, 624.462, 624.466, 626.913, 628.051, 628.6011, 629.081, 629.091 FS. History—New 2-26-92, Repealed.

4-136.002 Foreign and Alien Insurers Filing for a Certificate of Authority.

All foreign entities seeking a any of the certificates of authority ~~specified in 4-136.001~~ shall comply with the requirements of sections 624.404, 624.413 and related Florida Statutes, and shall submit the following ~~common~~ forms:

~~(1) Form DI4-841, "Invoice Request for Payment of Application Fees," rev. 08/91;~~

~~(1)(2) Form DI4-144, "Service of Process Consent & Agreement," rev. 1/97 "Consent and Agreement in re Service of Process Under the Laws of Florida," rev. 11/90;~~

~~(3) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(4) Form DI4-414, "Paid Representative Registration," rev. 6/89;~~

~~(5) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 11/90;~~

~~(6) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91;~~