

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Private Passenger Motor Vehicle Insurance;
Completion of Underwriting Notice of
Incorrect Premium, Return of
Unearned Premium

RULE NO.: 4-167.002

PURPOSE AND EFFECT: The purpose of the proposed action is to amend the procedure for notifying insureds of additional premium and the options related thereto and for the return of unearned premium.

SUBJECT AREA TO BE ADDRESSED: The proposed amended rule implements section 627.7282, F.S. by adopting specific procedures for return of unearned premium.

SPECIFIC AUTHORITY: 624.3081(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(o)3.a., 627.420, 627.421, 627.728, 627.7282 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, March 27, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Greg Jenkins, Property & Casualty Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-4214

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-167.002 Private Passenger Motor Vehicle Insurance; Completion of Underwriting Notice of Incorrect Premium, Return of Unearned Premium.

(1) Pursuant to the provisions of Section 627.728, Florida Statutes, any insurer which issues a policy of private passenger motor vehicle insurance in this state shall be required to complete the underwriting of the policy and make a final determination of the correct premium for the coverage set forth in the insurance application within sixty (60) days after the effectuation of coverage. The requirements of this subsection shall not apply in the event that an incorrect premium was

charged due to material misrepresentation or fraud on the part of the insured in the application for insurance. Insurers asserting a common law right of rescission or otherwise asserting rights to void insurance policies ab initio shall, within 90 days of taking such action, report to the Department of Insurance, Bureau of Property and Casualty Insurer Solvency Forms and Market Conduct Review, regarding any policies rescinded. The report shall be on Form DI4-493, "Report of Rescinded Policy," rev. 7/90, which is hereby adopted and incorporated by reference. The form may be obtained from and shall be submitted to the Bureau of Property and Casualty Insurer Solvency Forms and Market Conduct Review, Department of Insurance, Larson Building, Tallahassee, FL 32399-0300. The insurer shall retain its files on each rescinded policy for three (3) calendar years from the date of the report to the Department. Each file shall contain a copy of the initial application, a copy of the policy, copies of any claim forms filed, all documentation used by the insurer as a basis for its rescission, including the basis for any denial of coverage; and the name, business address and telephone number of any independent claims adjusting service where files may be located, if no longer in the possession of the insurer.

(2) In the event that an insurer issues a policy of private passenger motor vehicle insurance and timely determines that the policyholder has been charged an incorrect premium, the insurer shall provide notice to the policyholder as provided in Section 627.7282, Florida Statutes. Such notice shall include a period of time no less than ten (10) days and no greater than forty-five (45) days within which the policyholder has the option to pay the additional amount of premium due or to cancel the policy and demand a refund of any unearned premiums. The maximum 45-day time period shall not apply in the event the amount of the additional premium due is equal to or less than five percent of the correct premium. The maximum forty-five (45) day period shall not apply in the event that the notice is sent within fifteen (15) days of the effective date of the policy. In that event, the maximum time period shall be sixty (60) days.

(3) If the policyholder fails to timely respond to the notice referred to in (2), above, the insurer shall cancel the policy as required in Section 627.7282, Florida Statutes, on a date no less than fourteen (14) days and no greater than forty-five (45) days after the date of the notice, and return any unearned premium to the insured. In the event the notice was sent within fifteen (15) days of the effective date of the policy, the cancellation date shall be no greater than sixty (60) days after the date of the notice. The unearned premium shall be returned within thirty (30) days of the effective date of cancellation. If the unearned premium is not returned within the thirty (30) day period, the insurer must pay eight (8) percent interest per annum on the amount due. If the unearned premium is not returned within forty-five (45) days of the effective date of cancellation, the insured may bring an action against the insurer pursuant to Section 624.155, Florida Statutes.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.9541(1)(o)3.a., 627.420, 627.421, 627.728, 627.7282 FS. History--New 7-23-88, Amended 9-18-90, Formerly 4-28.005, Amended

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Instructional Personnel Assessment Systems
 RULE NO.: 6B-4.010

PURPOSE AND EFFECT: The purpose of this rule development is to create one comprehensive rule to include the requirements and conditions stipulated in Section 231.29, Florida Statutes, relating to the submission, review, and approval of school district instructional personnel assessment systems by the Department of Education. The effect will be one clear, concise rule that addresses the current requirements of law governing school district personnel assessment systems rather than seven obsolete and inaccurate rules which will be recommended for repeal.

SUBJECT AREA TO BE ADDRESSED: Creation of a new rule to establish the submission process and the review and approval criteria for school district instructional personnel assessment systems.

SPECIFIC AUTHORITY: 229.053, 231.29 FS.

LAW IMPLEMENTED: 230.23(5)(c), 231.29 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) Each school district shall submit the instructional personnel assessment system to the Division of Professional Educators of the Department for approval pursuant to Section 231.29, Florida Statutes. A school district that fails to submit an instructional personnel assessment system for review and approval pursuant to Section 231.29, Florida Statutes, shall be identified as a school district not in compliance with the requirements and conditions set forth in Section 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the requirements and conditions of Section 231.29, Florida Statutes, have been met.

(c) The assessment system shall be reviewed for inclusion of the following:

1. Assessment criteria that include, but shall not be limited to, indicators that relate to the areas of competence specified in Section 231.29, Florida Statutes.

2. A statement of district procedures that provide, as a minimum, methods to document and designate unsatisfactory, satisfactory, and outstanding performance.

3. Copies of assessment data collection procedures, instruments, and forms.

4. A statement of the use of assessment data for instructional personnel contract decisions.

(2) Initial Review Process.

(a) The Department of Education shall appoint evaluation teams to review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 231.29, Florida Statutes.

(b) The Department of Education shall prepare and send to each school district a written notice based on the evaluation team's findings that identifies any specific deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(c) Following each review of a district's instructional personnel assessment system, the Division of Professional Educators shall forward to the Commissioner a recommendation for approval, conditional approval, or disapproval for each school district system.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions of Section 231.29, Florida Statutes, and the provisions of this rule are met.

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district's assessment system fails to satisfy one or more of the requirements and conditions set forth in Section 231.29, Florida Statutes, and the provisions of this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions of Sections 231.29, Florida Statutes, and the provisions of this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district's system designated as conditionally approved shall be designated as disapproved if the requirements and conditions of Section 231.29, Florida

Statutes, and the provisions of this rule are not met within the time period specified by the Department in the written notice granting the conditionally approved status of the system.

(4) Modifications to an Instructional Personnel Assessment System. Substantive modifications to a school district instructional personnel assessment system that has been approved by the Department shall be approved by the district school board and shall be submitted to the Division of Professional Educators of the Department of Education for review and determination of the status of the modified system.

Specific Authority 229.053, 231.29 FS. Law Implemented 230.23(5)(c), 231.29 FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Continuing Professional Education
 RULE NO.: 61H1-33.003
 PURPOSE AND EFFECT: The Board proposes to amend this rule to correct the example in (4) wherein the rule states ... or two (2) all technical which should have read eight (8) and to add the reference to 61H1-27.001(1) which defines accredited institution.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #1, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) through (3) No change.

(4) Credit may be prorated by the sponsor for courses that cover more than one area of study by (1) prorating the amount of time spent in each area or (2) awarding credit based on the lowest topic covered with accounting and auditing being the highest and behavioral the lowest. Therefore an eight-(8-) hour course that was 75% accounting and auditing and 25% management would receive six (6) hours of accounting and

auditing credit and two (2) hours of technical business or ~~eight (8) two~~ (2) hours of all technical business. Hours cannot be prorated in less than one hour increments.

(5) In order for a licensee to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(a) Courses taken at institutions of higher education:

1. Higher education credit courses taken from an accredited institution as defined in 61H1-27.001(1) shall be credited for continuing professional education purposes at the rate of 15 hours for each semester hour of higher education credit and 10 hours for each quarter hour of higher education credit, provided the number of contact hours (hours in the classroom) totals at least 90% of the continuing professional education credit so determined. Otherwise, continuing professional education credit shall be limited to the actual number of contact hours.

2. through (7) No change.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312 FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 7-7-85, 8-20-85, 9-18-88, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Renewal Fee
 RULE NO.: 64B10-12.005

PURPOSE AND EFFECT: To update the fee for biennial renewal of a nursing home administrator's license.

SUBJECT AREA TO BE ADDRESSED: Biennial renewal fee.

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1715 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.005 Renewal Fee.

The fee for biennial renewal of a nursing home administrator's license shall be five hundred eighty-five ~~two hundred thirty~~ dollars (\$585.00 ~~230.00~~).

Specific Authority 468.1685(1) FS. Law Implemented 468.1715 FS. History--New 12-26-79, Amended 7-3-84, Formerly 21Z-12.05, Amended 1-22-90, Formerly 21Z-12.005, 61G12-12.005, 59T-12.005, Amended.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Initial Licensure Fee

RULE NO.: 64B10-12.009

PURPOSE AND EFFECT: To update the fee for initial licensure fee for a nursing home administrator's license.

SUBJECT AREA TO BE ADDRESSED: Initial licensure fee.

SPECIFIC AUTHORITY: 456.025 FS.

LAW IMPLEMENTED: 456.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.009 Initial Licensure Fee.

The initial licensure fee for a nursing home administrator's license shall be four hundred forty ~~one hundred eighty~~ dollars (\$440.00 ~~180.00~~). The license shall be valid until the end of the current biennium, except that an initial license issued during the renewal period shall be valid for the next biennium. The initial licensure fee shall be submitted with application fee and unlicensed fee upon application for licensure. An applicant not eligible for licensure may receive a refund of the initial licensure fee.

Specific Authority 456.025 FS. Law Implemented 456.025 FS. History--New 6-14-82, Formerly 21Z-12.09, 21Z-12.009, 61G12-12.009, Amended 2-13-95, Formerly 59T-12.009, Amended.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Inactive Status

RULE NO.: 64B10-12.010

PURPOSE AND EFFECT: To update the application fee for inactive status of a nursing home administrator's license.

SUBJECT AREA TO BE ADDRESSED: Inactive status fee.

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1725(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.010 Inactive Status.

(1) The application fee for inactive status shall be five hundred eighty-five ~~two hundred thirty~~ dollars (\$585.00 ~~230.00~~).

(2) The fee for renewal of an inactive license shall be five hundred eighty-five ~~two hundred thirty~~ dollars (\$585.00 ~~230.00~~).

(3) The fee for reactivation of an inactive license shall be five hundred eighty-five ~~two hundred thirty~~ (\$585.00 ~~230.00~~).

Specific Authority 468.1685(1) FS. Law Implemented 468.1725(2) FS. History--New 2-24-87, Amended 4-8-90, Formerly 21Z-12.010, 61G12-12.010, 59T-12.010, Amended.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Delinquency Fee

RULE NO.: 64B10-12.016

PURPOSE AND EFFECT: To update the delinquency fee for a nursing home administrator's license.

SUBJECT AREA TO BE ADDRESSED: Delinquency fee.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.016 Delinquency Fee.

A licensee who is delinquent shall pay a delinquency fee of five hundred eighty-five ~~two hundred thirty~~ dollars (\$585.00 ~~230.00~~).

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-22-96, Formerly 59T-12.016, Amended _____.

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Criteria for Filing a Letter of Credit in Lieu of Trusting
RULE NO.: 3F-7.011

PURPOSE AND EFFECT: This rule is being amended to update the form DBF-C-1, entitled Application to "Use a Letter of Credit or Surety Bond, and to change the reference to 3D-30.037 to read 3F-7.009, regarding compliance with the law.

SUMMARY: This rule sets forth the criteria for a certificate of authority holder to obtain a letter of credit in lieu of utilizing a trust or purchasing a surety bond.

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: 497.103, 497.425 FS.

LAW IMPLEMENTED: 497.425, 497.427 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-7.011 Criteria for Filing a Letter of Credit in Lieu of Trusting.

(1) No change.

(2) For approval, the certificate of authority holder shall submit to the Board of Funeral and Cemetery Services, Form DBF-C-1, Application to Use a Letter of Credit or Surety Bond, which is hereby incorporated by reference (effective _____ 3-20-91) and available from the Department of

Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Suite 550, Tallahassee, Florida 32399-0350 and meet the following criteria:

(a) through (4) No change.

(5) The Board shall deny an application to use a letter of credit in lieu of the merchandise trust fund if the application is incomplete or if the report as set forth in Rule 3F-7.009, Florida Administrative Code, 3D-30.037 shows the existing merchandise trust is not in compliance with the law.

Specific Authority 497.103, 497.425 FS. Law Implemented 497.425, 497.427 FS. History—New 3-20-91, Formerly 3D-30.036, Amended 10-25-95, 7-22-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Criteria for Filing a Surety Bond in Lieu of Trusting
RULE NO.: 3F-7.012

PURPOSE AND EFFECT: The purpose of this rule is to set forth the requirements for a certificate of authority holder to purchase a surety bond in lieu of utilizing preneed trust fund.

SUMMARY: This rule sets out the criteria for Filing a Surety Bond in Lieu of Trusting.

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: 497.103, 497.425 FS.

LAW IMPLEMENTED: 497.425 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350