

(e) Qualified Medicare Reimbursement Only (QI2). Under QI2 coverage, individuals are only entitled to a one-time, annual payment of a small part of their Medicare premium. (This is a federally funded program and funding is limited to the amount of an annual allocation.)

(12) through (14) renumbered (13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 4-22-98, 2-15-01,_____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

(1) through (4) No change.

~~(5) Refer to paragraphs (6) and (7) of this rule for residence and citizenship criteria.~~

~~(5)(6) The individual must be a resident of Florida as provided by s. 1902(b) of the Social Security Act shown by living in the state with the intent to remain, either permanently or indefinitely, or living in the state for employment purposes.~~

~~(6)(7) The individual must be a citizen of the United States or a qualified alien as defined in 8 USC s. 1641(b) Section 431, Public Law 104-193.~~

~~(7)(8) No change.~~

~~(8)(9) Medicaid Applications Due to KidCare.~~

(a) through (c) No change.

~~(d) The parent or other responsible adult caretaker relative applying for child only Medicaid is not required to cooperate with child support enforcement as a condition of eligibility regarding absent parents in order for the child to receive Medicaid. The custodial parent or other responsible adult will be informed of the availability of child support enforcement services. The department will request voluntary child support enforcement participation. If absent parent information is not provided and the KidCare Application is not marked indicating the applicant does not want to provide this information, the applicant will be provided the Child Support Enforcement Information form, CF-ES 2084, Jul 99 (incorporated by reference). The Child Support Enforcement Information form will provide the parent or caretaker applicant another opportunity to request child support enforcement services; application processing will continue. No processing delay and no penalty will be applied for the children's Medicaid benefit if the parent or caretaker making application does not cooperate.~~

(e) through (i) No change.

Specific Authority 409.818, 409.919 FS. Law Implemented 409.903, 409.904, 409.818, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-18-01,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE
4A-42	Uniform Fire Safety Standards for Mobile Home Parks and Recreational Parks
RULE NO.:	RULE TITLE:
4A-42.005	Standards of the National Fire Protection

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-42.005(1) will be changed to read... “The standards of the National Fire Protection Association, Standards for Fire Safety Criteria for Manufactured Homes Installations, Sites and Communities, NFPA 501A, the edition as adopted in Section 4A-3.012, Florida Administrative Code, and Standards for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds, NFPA 1194 the edition as adopted in Rule Chapter 4A-3, NFPA 501D, 1996 edition, which is hereby adopted and incorporated by reference shall be the “Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks as adopted more fully in Rule 4A-3.012, Florida Administrative Code.”...

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-43	Uniform Fire Safety Standards for Transient Public Lodging Establishes, Timeshare Plans, and Timeshare Unit Facilities
RULE NOS.:	RULE TITLES:
4A-43.003	Scope
4A-43.009	Automatic Smoke Detection Requirements
4A-43.015	Historic Hotel Structures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-43.003 the first sentence reads “under paragraph (a) of subsection (4), and subsection (10), ...” and should be changed to read “under subsection (4) and subsection (10), ...”

4A-43.009(2) the first sentence, reads “subsection (8) of Section” and should be changed to read “subsection (6) of Section”.

4A-43.015(1) the subsection reference should be changed to read “509.215(4)(6), Florida Statutes”.

4A-43.015(2) the section reference should be changed to read “Section 509.215(4)(b), Florida Statutes”.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-52	Plans Review and Inspection Fees
RULE NOS.:	RULE TITLES:
4A-52.003	Application
4A-52.004	Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-52.003(1), the words “as defined in Section 4A-3.012” will be changed to read “as defined in Section 4A-3.009”.

4A-52.004(1)(b)1.b. The paragraph will be rewritten as:

b. One optional inspection, conducted at the discretion of the State Fire Marshal’s Plan Review Section or Firesafety Inspection, to occur prior to close-in of the building. In consideration whether to conduct an optional inspection, the Section shall take into consideration the following:

- I. The complexity of construction.
- II. Whether a fire alarm system has been installed.
- III. Whether a sprinkler system has been installed.
- IV. Whether other required fire protection systems have been installed. and;

The remainder of the rules is as published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-54	Uniform Fire Safety Standards for Correctional Facilities
RULE NO.:	RULE TITLE:
4A-54.006	Mattresses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-54.006 Mattresses.

~~(3)(4)~~ will read as follows: “ New purchases of mattresses for new or existing correctional facilities shall be for fire-retardant cotton core with durable fire retardant outer coverage, or fiber-filled material conforming to the flammability requirements set forth in the following standards:

(a) CFR 16, Part 1632, 2000 edition, 1994 edition, which is incorporated herein by reference; or

(b) U.L. Standard 1895, 1995 edition, Standard for Fire Test of Mattresses, which is incorporated herein by reference; or

(c) ASTME 906, 1999 edition, which is incorporated herein by reference. (Available at: American National Standards Institute Inc., 11 West 42nd Street, 13th Floor, New York, NY 10035.)”

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.:	RULE TITLE:
5F-11.013	Minimum Storage as Relates to Liquefied Petroleum Gas

NOTICE OF CORRECTION

Notice is hereby given that the (1) of the above rule was inadvertently published incorrectly in Vol. 27, No. 20, May 18, 2001, issue of the Florida Administrative Weekly.

Paragraph (1) should have read as follows:

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods with may be used to comply with Section 527.11, Florida Statutes (either of the two methods may be used):

(1) See 527.11(1): Erect a bulk storage filling plant of not less than 18,000 42,000 gallons (water capacity) within the state. Plans, in triplicate, and in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer. “To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations.”

Signature

requirements of this sub-subparagraph are met. There must be documentation of the auditor's receipt of the correspondence, such as the auditor's signature on a receipt or a copy of the correspondence if it is hand delivered or a return receipt for registered or certified mail. Correspondence from the taxpayer will establish that the auditor considered an issue only if such correspondence is dated sufficiently prior to the auditor's issuance of a notice of intent to make audit changes or a revised notice of intent to make audit changes to permit the auditor to investigate the issue and make a determination prior to issuing the notice. Correspondence from a taxpayer calling an issue to the auditor's attention will not have the effect of establishing that the auditor considered the issue if that correspondence is delivered to the auditor after the auditor has substantially completed the auditor's review of the taxpayer's books and records unless the taxpayer agrees to a reasonable extension of the time in which the auditor must complete the audit under the applicable statute of limitations.

2. A final notice of decision or notice of reconsideration withdrawing an assessment on the same issue during an informal protest of a proposed assessment in a prior audit of the same taxpayer was issued by the Department. Correspondence from the Department in which an issue is discussed prior to issuance of a final notice or any offer to compromise the assessment in lieu of or in conjunction with the issuance of a notice of decision or notice of reconsideration is not a written determination on the issue for purposes of establishing doubt as to liability. This subparagraph applies only to a notice of decision or a notice of reconsideration that resolves the issue in favor of the taxpayer based on a determination that the assessment was not supported by the governing legal authorities.

3. A technical assistance advisement was issued to the same taxpayer pursuant to s. 213.22, F.S., in regard to the same issue. For purposes of this paragraph, a technical assistance advisement issued to an industry association as the representative of its members in accordance with Rule Chapter 12-11, F.A.C., will be considered a written determination as to any taxpayer that was a member of the association at the time the taxpayer reasonably relied upon the advisement.

(b) Only audit workpapers, notices of decision or reconsideration, and technical assistance advisements described in paragraph (a) are written determinations of the Department for purposes of s. 213.21(3), F.S. Audit workpapers, notices of decision or reconsideration, and technical assistance advisements are written determinations only as to the specific taxpayer or taxpayers to whom they were issued. For this purpose, if a taxpayer has multiple locations, the taxpayer may rely on a written determination issued as to any of the taxpayer's locations for purposes of the taxpayer's other locations so long as it is otherwise reasonable to do so under the criteria set forth in paragraph (c).

(c) A taxpayer must demonstrate that reliance on a written determination was reasonable. This requires that the taxpayer fully disclosed all material facts and did not misrepresent any material facts when the Department was considering the issue for purposes of issuing the written determination. Reliance on a written determination is reasonable only so long as the taxpayer continues to operate in accordance with the material facts upon which the written determination was based. Reliance by an industry association member on a technical assistance advisement issued to the association as the representative of its members is reasonable only when that member's facts and circumstances conform in all material respects with the facts and circumstances upon which the technical assistance advisement to the industry association was based. If specific facts and circumstances change in a material manner, reliance on the written determination is no longer reasonable. Reliance on a written determination is not reasonable if the law applicable to an issue has changed so that the legal analysis on which the written determination was based is no longer valid. This would be the case if governing statutes or regulations have been materially revised or if a court of competent jurisdiction has published a final decision overruling the Department's determination. Reliance is not reasonable if the Department notifies the taxpayer in writing that the previous written determination is no longer correct and should not be relied upon after the date of such notification.

DEPARTMENT OF REVENUE

RULE NO.: 12-26.003
 RULE TITLE: Application for Refund
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made based on the proposed amendments to Rule 12-26.003, F.A.C., as published in Vol. 27, No. 17, pp. 2104-2105, April 27, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee regarding the forms a taxpayer is required to use to apply for a refund of estate tax.

In response to these comments, the Department's instructions for completing Form DR-26 will be amended to eliminate a reference in the first paragraph to taxpayers using Form DR-26 to obtain a refund of Estate Tax due to the Department depositing the funds in error, or due to a duplicate payment of the final return.

Also, in response to these comments, subsection (5) of Rule 12-26.003, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

(a) Amounts ~~A-check~~ deposited by the Department in error; or

(b) through (8) No change.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12-26.003, F.A.C. (Application for Refund), 12-26.004, F.A.C. (Refund Approval Process), and 12-26.008, F.A.C. (Public Use Forms). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, pp. 534-536), and the workshop was held on February 27, 2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2104-2105), and a public hearing was conducted on May 22, 2001. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, p. 539), and the workshop was held on February 27, 2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2136-2137), and a public hearing was conducted on May 22, 2001. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-10	Outdoor Advertising Sign Regulation and Highway Beautification
RULE NOS.:	RULE TITLES:
14-10.0011	General Provisions
14-10.004	Permits
14-10.006	Additional Permitting Criteria
14-10.007	Maintenance of Nonconforming Signs

CHANGE NOTICE

SUMMARY OF CHANGE:

1. In 14-10.0011(1)(i), the definition of "Public or Court Official," the word "appointed" is changed to "authorized" so that the definition reads as follows:

"(i) "Public or Court Official" for purposes of Section 479.16(4), Florida Statutes, shall mean a person holding a position created by the Constitution or Legislature, or authorized by the Governor."

2. Because of the deletion of the previous 14-10.0011(1), the formerly identified #(3) Names and Addresses, needs to be changed to (2).

3. In 14-10.004(1)(d)5., "from the landowner" is reinstated (not to be struck out in the first sentence. Also, the second sentence regarding a lease document is reinstated (not struck out) so that the section reads as follows:

"5. The written statement from the landowner ~~and the statement from the local government official which are~~ required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must."

4. In 14-10.004(1)(g), the required statements regarding incorporation by reference and how one can obtain a copy of the incorporated form are inserted so that the section reads as follows:

"(g) For purposes of (d), above, when a valid permit is being conditionally canceled pursuant to Rule Section 14-10.004(8)(7), the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference and permit Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 07/01, must be submitted simultaneously to the Department appropriate district office. Form 575-070-12 may be obtained from the address listed in Rule Section 14-10.003(2). The date the Department district office receives the cancellation and complete application documents shall be considered the date the application is received."

5. 14-10.004(1)(h) is changed to read as follows:

"(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, ~~the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes, which application meets all other requirements of Chapter 479, Florida Statutes, and this rule chapter for issuance of an outdoor advertising sign permit, the Department shall issue a notice of intent to permit contingent upon:~~

1. Issuance of a vegetation management permit from the Department, and

2. Removal of two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

The application shall remain in a pending status for no longer than 90 calendar days, to allow the applicant to comply with (h)1. and (h)2., above. Competing applications shall be reviewed in accordance with Section 14-10.004(1)(e)."

6. 14-10.004(1)(j) is changed to read as follows:

"(j)(4) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming; or removal of vegetation has occurred without obtaining the vegetation management permit as required by Section 479.106, Florida Statutes, until such time as the applicant has submitted the payment of the administrative penalty and completion of mitigation as required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes."

7. In 14-10.004(6), the sentence relating to where to obtain a copy of the form is added as follows: "Form 575-070-01 may be obtained from the address listed in Rule Section 14-10.003(2)."

8. In 14-10.004(7), the sentence relating to where to obtain a copy of the form is added as follows: "Form 575-070-25 may be obtained from the address listed in Rule Section 14-10.003(2)."

9. In the Law Implemented citations for Rule 14-10.004, 479.106(5) is added.

10. In Rule 14-10.006, a new Section (8) is added as follows:

"(8) Copies of the agreement between the state and the United States Department of Transportation, referenced in Section 479.02(1), Florida Statutes, may be obtained from the address listed in Rule Section 14-10.003(2)."

11. In 14-10.007(2)(a)1., "may" is changed to "will" in the first sentence, new sentences relating to OSHA documentation are added, and the words "If structural alteration is approved by the Department" are deleted. The revised wording is as follows:

"1. The Department will authorize structural alterations to a nonconforming sign in instances where the Occupational Safety and Health Administration (OSHA) requirements or other safety related requirements necessitate alterations, provided that the reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. The Department will accept a notice or other writing from OSHA to the permittee requiring the intended alteration as documentation of safety requirements. If the structural alterations are intended to be made to comply with OSHA regulations, the permittee must submit to the Department a statement in writing citing the OSHA regulation with which it is intending to comply and explaining how the intended alteration is required by the cited OSHA regulation. Structural alterations are allowed only if no alternatives are available which address safety requirements. Documentation of the requirements must be submitted to, and approved by, the Department prior to making any structural alterations. The

location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. During the period of temporary removal for those approved structural alterations, the permittee must permanently display the permit tag at the sign location."

12. In 14-10.007(4), the cross reference is changed from "(4)(a)" to "(6)(a)."

13. In 14-10.007(6)(a)3., the cross reference is changed from "(4)(a)2.b." to "(6)(a)2.b."

Changes resulted from a review by the Joint Administrative Procedures Committee and a review of comments presented at the May 24, 2001, public hearing.

Notice was published in Florida Administrative Weekly, Vol. 27, No. 16, April 20, 2001, Pages 1871-1880.

STATE BOARD OF ADMINISTRATION

RULE NOS.:

RULE TITLES:

19-10.002

Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring Between 7/1/02 and 3/31/03

19-10.003

Asset Transfer Procedures: for Employees Who Become Eligible to Participate in PEORP by Reason of Employment in a Regularly Established Position With a State Employer Commencing After June 1, 2002; or With a District School Board Employer Commencing After September 1, 2002; or With a Local Employer Commencing After December 1, 2002

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Florida State Board of Administration announces a public hearing to which all persons are invited. This is an amendment to the notice that has been published for the June 26, 2001, Cabinet date. These rules will be considered on August 14, 2001 rather than June 26, 2001.

DATE AND TIME: Tuesday, August 14, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on August 14, 2001, will consider two proposed new rules in Rule Chapter 19-10, F.A.C., and will be asked for permission to file these two rules for adoption:

These proposed new rules implement two additional asset transfer procedures after the initial transfer which occurs between July 1, 2002 and March 31, 2003. Proposed new Rule 19-10.002, F.A.C., adopts procedures for the true-up transfer from the defined benefit plan to the defined contribution plan after the initial transfers outlined in adopted Rule 19-10.001, F.A.C. Proposed new Rule 19-10.003, F.A.C., adopts asset transfer procedures for employees hired after the initial transfer dates set out in adopted Rule 19-10.001, F.A.C., and adopts an enrollment election form. The rule development workshop was held on January 23, 2001. Changes were made and incorporated in the draft which was proposed for rulemaking at the Trustees meeting on May 15, 2001. Notice was filed with the Secretary of State and printed in the Florida Administrative Weekly on May 25, 2001. The rule hearing was scheduled for June 18, 2001, but was not held because it was not requested. Technical comments received from the Joint Administrative Procedures Committee are incorporated into the proposed rulemaking.

A copy of the State Board of Administration's agenda for the August 14, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.602	Community Release Programs
33-601.606	Placement of Inmates into Community Release Programs

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., F.S., published in Vol. 27, No. 21, May 25, 2001, issue of the Florida Administrative Weekly:

- 33-601.602 Community Release Programs.
 - (1) Definitions.
 - (a) through (d) No change.
 - (e) Modality II ~~IV~~ – A community based residential substance abuse treatment program for inmates.
 - (f) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023 Amended 3-13-01, _____.

- 33-601.606 Placement of Inmates into Community Release Programs.
 - (1) No change.
 - (2) Eligibility and Ineligibility Criteria.
 - (a) An inmate is ineligible for community release programs if he has:
 - 1. through 4. No change.

5. Refused to complete substance abuse programs Modality I, II, or III, ~~or IV~~ unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based substance abuse program will be offered and must be successfully completed.

6. through 7. No change.

(b) In order to be eligible for community release programs an inmate must:

1. through 5. No change.

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Director of Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 3-13-01, Amended.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.051	Exemptions Form Permitting NOTICE OF CORRECTION

The South Florida Water Management District published notice of Proposed Rule 40E-4.051, F.A.C., in the Vol. 27, No. 26, June 29, 2001, issue of the Florida Administrative Weekly reflecting IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. In accordance with subparagraph 120.54(3)(d)1, F.S., the South Florida Water Management District makes the following correction in lieu of the above:

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

TIME AND DATE: 8:30 a.m., August 9, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-63	Everglades Program NOTICE OF CORRECTION

Notice is hereby given that the hearing date for the above proposed rule chapter, published in Vol. 27, No. 23, June 8, 2001, page 2725, Florida Administrative Weekly was incorrect. The correct time and date is as follows:

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

TIME AND DATE: 8:30 a.m., July 12, 2001

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

DEPARTMENT OF THE LOTTERY

RULE CHAPTER NO.: 53-29.005
 RULE CHAPTER TITLE: FANTASY 5 Rules and Prohibitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule has been withdrawn. The Notice of Proposed Rule Development was noticed in the Vol. 27, No. 16, April 20, 2001, issue of the Florida Administrative Weekly.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER NO.: 59A-4
 RULE CHAPTER TITLE: Minimum Standards for Nursing Homes

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., F.S., published in Vol. 27, No. 13, March 30, 2001, issue of the Florida Administrative Weekly.

59A-4.200 Definitions.

(1) ~~Agency Department~~ means the Agency for Health Care Administration.

(2) through (3) No change.

(4) Region means a geographical area of the state of Florida defined by a list of counties reflected by the ~~agency's department's~~ 11 area offices. The regions are defined in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000, which is incorporated by reference. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, FL 32308.

(5) Selected tags mean a set of deficiency citations ~~to~~ which reflect quality of care in nursing homes. The selected tags are listed in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000, ~~which is incorporated by reference.~~

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New _____.

59A-4.201 Gold Seal Award.

(1) In order to be considered for nomination for a Gold Seal Award, a nursing home licensee must submit to the ~~agency's department's~~ Long Term Care Unit:

(2)(1) A letter of nomination from the ~~agency department~~ a nursing facility industry organization, a consumer, the State Long-Term Care Ombudsman Council, or a member of the community;

(3)(2) A completed Application for Gold Seal Award (September 2000) which is incorporated by reference. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, FL 32308;

(4)(3) No change.

(5)(4) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New _____.

59A-4.202 Quality of Care.

(1) The ~~agency department~~ shall determine how a Gold Seal nominated facility ranks relative to other facilities in the same region in the quality of care provided to residents.

(2) The ~~agency department~~ shall consider selected tags, which reflect quality of care, and shall also consider the severity and scope of the selected tags.

(a) through (b) No change

(3) The ~~agency department~~ shall consider all such selected tags received by the facility in all surveys conducted over the most recently available 30-month period prior to the date of the Panel meeting. The date of each Panel meeting shall be published in the Florida Administrative Weekly. The most recently available 30-month period shall be defined as the period that ends on the last workday of the most recent calendar quarter prior to the relevant Panel meeting. For federally certified facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process; ~~in~~ as much as the federal Health Care Financing Administration concurs, changes resulting from administrative or appellate proceedings will also be reflected, only if available at the time of the Gold Seal application.

(4) The ~~agency department~~ shall compute a score (hereafter referred to as the quality of care score), based on the selected tags, for all facilities in the applicant's region.

(5) The ~~agency department~~ shall score and rank facilities in accordance with the Gold Seal Scoring and Ranking Algorithm, dated August 2000, ~~incorporated by reference herein.~~

(6) through (7) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New _____.

59A-4.203 Financial Requirements.

(1) Facilities shall submit certified public accountant (CPA) audited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) for the three consecutive fiscal years immediately preceding the date of application, including; ~~but not limited to:~~ a balance sheet, income statement and statement of cash flows and all relevant footnotes. ~~CPA reviewed financial statements may be submitted for facilities not associated with a parent company only if audited financial statements are not available. The CPA reviewed statements shall include all relevant footnotes. If~~

~~CPA reviewed financial statements are provided, a statement of negative assurance must be provided by the CPA stating that there are no going concern issues.~~ Each facility that is affiliated with a parent company must submit audited GAAP prepared financial statements regarding the individual recommended facility and audited consolidated GAAP prepared financial statements regarding the facility's parent company. The CPA audit reports must specify an unqualified opinion. Each facility and parent company, ~~where applicable,~~ shall also submit a one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a facility that is audited as part of a consolidated entity, the facility can satisfy the audit requirement by submitting the three most recent consecutive years of CPA audited consolidated financial statements if the statements break out the balance sheet, income statement, and statement of cash flows of the individual facility.

(2) Each facility and parent company must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in ~~(3)(e)~~ below.

(a) through (b) No change.

(c) A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs). Not-for-profit providers may include non-operating income, such as public or governmental support and foundation transfers in determining net income.

(3) If a facility or parent company can meet only one of the three financial ratios in ~~(2)(b)~~ above for one of the two required years, the facility may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided for the facility and parent company, ~~if applicable,~~ are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in ~~(2)(b)~~ above and the provider received an unqualified CPA report.

(4) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.204 Turnover Ratio.

(1)(a) Have a turnover rate no greater than 85 percent for the most recent 12 month period ending on the last workday of the most recent calendar quarter prior to submission of an application. The turnover rate will be computed in accordance with s. 400.141(15)(b), Florida Statutes, ~~quarterly with the annual rate being the cumulative sum of the quarterly rates. The formula to determine the quarterly turnover rate will be the total number of separations experienced during the quarter~~

~~divided by the total number of staff employed at the end of the period for which the rate is computed and expressed as a percent, or stated as:~~

$$\text{Quarterly Turnover Rate} = \frac{\text{\# of Separations}}{\text{\# Employees at End of Period}}$$

~~The turnover rate will include: certified nursing assistants, licensed nurses (registered nurses and licensed practical nurses), director of nursing and administrator, or~~

(b) Have a stability rate indicating that at least 50 percent of its staff have been employed at the facility for at least one year. ~~This rate determines the percentage of staff that did not turnover. The stability rate will be computed in accordance with s. 400.141(15)(c), Florida Statutes, calculated by dividing the number of employees that have been employed over 12 months by the total number of employees at the end of the 12-month period and expressed as a percent or stated as:~~

$$\text{Stability Rate} = \frac{\text{\# of Employees Employed in Excess of 12 months}}{\text{Total \# of Employees}}$$

~~The stability rate will include: certified nursing assistants, licensed nurses (registered nurses and licensed practical nurses), director of nursing and administrator.~~

(2) No change.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.205 The State Long Term Care Ombudsman Council Review.

The State Long Term Care Ombudsman Council shall provide a profile of substantiated ombudsman program complaints against facilities applying for the Gold Seal Award. Upon request, the State Long Term Care Ombudsman Council shall provide the findings of ombudsman program administrative inspections of facilities applying for the Gold Seal Award. ~~One violation of the patients' rights tags, such as neglect or abuse, shall eliminate a facility from contention.~~ The Panel on Excellence in Long Term Care shall make the final determination regarding whether the facility demonstrated an outstanding history in regard to substantiated Ombudsman complaints.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.206 Termination and Frequency of Review.

(1)(a) No change.

(b) Failure to participate in the required consumer satisfaction survey as prescribed by the agency department;

(c) through (4) No change

(5) Frequency of Review. A Gold Seal facility shall submit a complete renewal application every two years. The renewal application must be received by the agency department six months prior to the two-year anniversary of the Gold Seal designation.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard F. Kelly, Health Services and Facilities Consultant, Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.002
RULE TITLE: Training Program Providers

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The change is in response to comments from the Joint Administrative Procedures Committee and from the Board meeting held on June 12, 2001 in St. Augustine, Florida.

The rule shall now read as follows:

61G19-7.002 Training Program Providers.

(1) Prospective training program providers shall register with the Board on Board-approved registration form BPR/BCAI/15, effective _____, with instructions, which is hereby incorporated by reference, copies of which may be obtained from the Board office.

(2) The Board shall maintain a list of all registered training program providers.

(3) Training program providers shall notify the Board in writing within thirty (30) days of the effective date of any changes in information required to be listed on the initial registration.

(4) Registered training program providers seeking approval of a training program for building inspectors or plans examiners who meet the eligibility requirements described in 61G19-7.001 shall apply for training program approval pursuant to the requirements described in 61G19-7.004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE NOS.: 64B-2.001
64B-2.002
64B-2.003
RULE TITLES: Practitioner Profile
Information Required Upon Renewal
Form

NOTICE OF PUBLIC HEARING

The Board of Operations hereby gives notice of a public hearing on the above-referenced proposed rules to be held on July 20, 2001, at 9:00 a.m., or as soon thereafter as can be heard, at the Department of Health, Bureau of Operations Conference Room, 4052 Bald Cypress Way, Room 110J, Tallahassee, Florida 32399.

The proposed rules were originally published in Vol. 27, No. 25, of the June 22, 2001 Florida Administrative Weekly. The proposed rule public hearing is in response to a request for hearing following publication.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lucy C. Gee, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-1700

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Bureau Chief at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the Department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Form Used by Public
RULE NO.: 12BER01-2

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapters 2000-260 and 2001-140, L.O.F.) requires that local governments provide certain information on local tax rates to the Department of Revenue on forms provided by the Department. The first deadline for filing such