

TIME AND DATE: 9:00 a.m., September 27, 2001
 PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Appraisals, and Appraisal Standards and Policies of State Financial Institutions

RULE NO.: 3C-100.600

PURPOSE AND EFFECT: This rule is being revised to make it more consistent with the appraisal requirements imposed by federal regulators of financial institutions. In so doing, the regulatory burden of Florida-chartered financial institutions will be reduced.

SUMMARY: The rule calls upon the boards of directors of Florida-chartered financial institutions to adopt appraisal standards and policies that are reviewed and approved annually. Those standards and policies must require an appraisal by a state-certified or state-licensed appraiser when a Florida-chartered financial institution makes a loan secured by real estate that exceeds \$250,000 and is not otherwise exempted under the rule. Appraisals must be made for the financial institution making the loan and must be dated within one year prior to funding the loan.

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

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

SPECIFIC AUTHORITY: 655.012(3), 655.60(2) FS.

LAW IMPLEMENTED: 655.60 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., October 8, 2001
 PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alex Hager, Director, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.600 Appraisals, and Appraisal Standards and Policies of State Financial Institutions.

(1) The board of directors of each state financial institution shall adopt appraisal standards and policies. Such standards and policies shall be reviewed and approved annually by the board of directors and such approval shall be recorded in the minutes of the meetings of the board of directors.

(2) At a minimum, the appraisal standards and policies shall require that ~~an~~ ~~(a)~~ ~~An~~ appraisal prepared by a state-certified or state-licensed appraiser must be obtained prior to funding any loan or extension of credit that is based on the security of real estate, except:

- (a) Loans with a total value of \$250,000 or less;
- (b) Loans with a lien on real property when such property has been taken as collateral solely in an abundance of caution;
- (c) When a lien on real estate has been taken for purposes other than the real estate's value;
- (d) The transaction is a business loan that:
 - 1. Has a transaction value of \$1 million or less; and
 - 2. Is not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment;
- (e) A lease of real estate, unless the lease is the economic equivalent of a purchase or sale of the leased real estate;
- (f) The transaction involves an existing extension of credit at the lending institution, provided that:
 - 1. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies; or
 - 2. There is no advancement of new monies, other than funds necessary to cover reasonable closing costs;
- (g) The transaction involves the purchase, sale, investment in, exchange of, or extension of credit secured by, a loan or interest in a loan, pooled loans, or interests in real property, including mortgage-backed securities, and each loan or interest in a loan, pooled loan, or real property interest met these appraisal requirements at the time of origination;
- (h) The transaction is wholly or partially insured or guaranteed by a United States government agency or United States government-sponsored agency; or
- (i) The transaction either:
 - 1. Qualifies for sale to a United States government agency or United States government-sponsored agency; or Loans with a total value of \$250,000 or less;

~~2. Involves a residential real estate transaction in which the appraisal conforms to the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation appraisal standards applicable to that category of real estate. Loans with a lien on real property when such property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been made more favorable to the borrower than they would have been in the absence of a lien;~~

~~3. Maturing loans, provided that:~~

~~a. The borrower has performed satisfactorily according to the original terms of the loan;~~

~~b. No new monies have been advanced other than as previously agreed;~~

~~e. The credit standing of the borrower has not deteriorated; and~~

~~d. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies;~~

~~4. Loans or portions thereof purchased from a state or federal financial institution, pooled loans, or interests in real property, provided that the appraisal prepared for each pooled loan or real property interest meets the requirements of the appraisal policies and standards adopted by the board of directors:~~

~~(3) Any loan or extension of credit not requiring a state-certified or state-licensed appraisal under paragraphs (2)(a), (d), or (f) shall not be funded until an appropriate evaluation of the real property has been obtained; and~~

~~(4) Any appraisal report or other evaluation shall be certified to the financial institution and dated within one year prior to funding the loan or extension of credit.~~

~~(5) The board of directors shall establish an appraisal review function to ensure compliance with adopted standards and policies.~~

Specific Authority ~~655.012(3), 655.60(2)~~ FS. Law Implemented 655.60 FS. History—New 11-2-92, Amended 9-27-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald M. Kelly, Financial Control Analyst, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: General Reporting Requirements
RULE NO.: 4-171.002

PURPOSE AND EFFECT: The stricken portion of subsection (2) was identified as not having statutory authority pursuant to the rules review project required by §120.536(2)(b), F.S. The rule is being amended to eliminate the unauthorized language and update and clarify some language.

SUMMARY: The amended rule provides for the filing of reports in a format compatible with the Department's electronic data processing equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.914(5)(b), 627.915(6), 627.918(1) FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, October 10, 2001
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Jenkins, Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399, phone (850)413-3820

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 the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-171.002 General Reporting Requirements.

(1) A copy of each form incorporated by reference in these rules is available to the public from the Bureau of Property and Casualty Forms and Rates ~~Data Control~~, Division of Insurer ~~Support~~ Services, Department of Insurance, Larson Building, Tallahassee, Florida.

(2) Insurers may generate by computer process the required forms for reporting provided they are in the same unaltered format as the respective forms incorporated by reference in these rules. Computer-generated forms must be compatible with the approved by the Florida Department's electronic data processing equipment of Insurance prior to use for reporting.

(3) through (4) No change.

(5)(a) Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums ~~written~~, shall not be required to complete and submit to the Department of Insurance the forms prescribed by Rule 4-171.008, F.A.C. Instead of completing ~~filling out~~ form DI4-308, the insurer shall list each line of insurance that is less than 1/2 ~~one-half~~ percent of the market and list the corresponding written premiums for each of these lines of insurance.

(b) For purposes of this rule, the percentage of market shall be calculated by dividing the insurer's written ~~current~~ premiums from the most recent calendar year ~~written for the insurer~~ by the preceding year's total statewide written premiums ~~written in the state~~ for that line of insurance.

(c) In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Department based upon the Annual Statements submitted by insurance companies.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.914(5)(b), 627.915(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Jenkins, Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Reconciliation of Interim Tax Rolls – Form of Notification

RULE NO.:

12D-1.010

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-1.010, F.A.C., is to remove reference to obsolete provisions.

SUMMARY: The proposed rule amendment removes reference to the 1980 interim roll.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.1145, 193.122, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 5, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-1.010 Reconciliation of Interim Tax Rolls – Form of Notification.

(1) through (4) No change.

(5) It shall be the duty and responsibility of the tax collector to compile and furnish to the property appraiser a compilation of the interim or provisional taxes paid on each parcel of property as levied on the ~~1980~~ interim assessment roll. The ~~1980~~ interim roll as certified by the tax collector to the clerk of the circuit court, or a certified copy of such roll, shall meet the requirements of this rule. Such compilation shall be furnished to the property appraiser no later than the date the assessment roll is certified to the property appraiser by the value adjustment board, pursuant to the provisions of section 193.122(2), Florida Statutes.

(6) through (10) No change.

(11) The tax collector shall collect all delinquent ~~1980~~ interim taxes and interest that have ~~has~~ accrued pursuant to section 193.1145(10), Florida Statutes. Discounts will not be allowed on delinquent interim taxes or interest. Discounts shall be authorized on any tax that is the result of an increase in the final assessed valuation on the final approved reconciled tax ~~1980~~ roll. Final ~~1980~~ taxes that become delinquent shall be enforced pursuant to the provisions of Chapter 197, Florida Statutes.

(12) Refunds shall be made to the person who paid the tax originally. Refunds shall be processed as follows:

(a) When the final approved reconciled tax roll indicates that the owner of record is the same as the owner of record on the ~~1980~~ interim tax roll, the tax collector shall forward any refund due directly to the property owner.

(b) When the owner of record on the final approved reconciled tax roll is not the owner of record who apparently paid the ~~1980~~ interim taxes, and after a diligent search the tax collector cannot locate the ~~1980~~ interim taxpayer, the tax collector shall publish a notice at least once each week for two weeks in a newspaper selected by the Board of County Commissioners, that certain taxpayers may be entitled to a refund for the overpayment of ~~1980~~ interim taxes and that the taxpayer may file an application for refund with the tax collector.

(c) No change.

(d) Refunds shall be paid from money collected from the final approved ~~1980~~ reconciled tax roll. If funds are not sufficient to pay all refunds, then the tax collector shall bill each taxing authority for its ~~their~~ proportionate share of any refund payable. The tax collector shall commence the refund process within 90 days of the opening of the reconciled tax roll.

(e) Money collected from the final approved ~~1980~~ reconciled tax roll shall not be distributed to the various taxing authorities until the tax collector shall have in his possession adequate funds to process all refundable amounts pursuant to the reconciliation. Interest earned on all amounts collected on the ~~1980~~ final approved reconciled tax roll shall be used by the tax collector to defray any and all costs incurred by his office for collecting the ~~1980~~ reconciled tax roll.

(f) No change.

(13) Any outstanding tax sale certificates sold by the tax collector on delinquent ~~1980~~ interim assessments may be canceled ~~annulled~~. Tax sale certificates may be canceled ~~annulled~~ pursuant to section 197.443, Florida Statutes. If tax sale certificates are canceled ~~annulled~~, refunds to tax sale certificate holders shall be processed immediately and interest shall be paid according to subsection 197.432(10), Florida Statutes. See subsection 193.1145(10), Florida Statutes.

(14) Delinquent ~~1980~~ interim taxes and interest shall be collected or discharged pursuant to subsections 193.1145(10) and (8), Florida Statutes.

(15) through (19) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 193.122, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443, 213.05 FS. History—New 11-23-83, Formerly 12D-1.10, Amended 12-26-85, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/ RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 20, 2001, Vol. 27, No. 29. A rule development workshop was held on August 3, 2001, in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed amendments

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Educational Exemption
RULE NO.: 12D-7.015

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.015, F.A.C., is to implement the provisions of Chapter 2001-79, Laws of Florida, which provides that the definition of an educational institution includes institutions of higher learning participating in the Higher Educational Facilities Financing Act created under Chapter 2001-79, Laws of Florida.

SUMMARY: The proposed amendment to Rule 12D-7.015, F.A.C., provides that an institution of higher learning, as defined under the Higher Educational Facilities Financing Act created under Chapter 2001-79, Laws of Florida, is an educational institution for ad valorem tax purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.012, 196.198, 196.1983, 213.05, 402.26 FS., Chapter 2001-79, L.O.F.

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

TIME AND DATE: 10:00 a.m., October 5, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.015 Educational Exemption.

(1) through (4) No change.

(5) An institution of higher education participating in the Higher Educational Facilities Financing Act, created under Chapter 2001-79, Laws of Florida, is considered an educational institution for exemption from ad valorem tax. An institution of higher education, as defined, means an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; and which is not a state university or state community college.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 196.1983, 213.05, 402.26 FS. Chapter 2001-79, LOF. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, 12-30-99, 1-2-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/ RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 20, 2001, Vol. 27, No. 29. A rule development workshop was held on August 3, 2001, in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed amendments

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Penalties or Interest, Collection on Roll	12D-13.014
Collection of Interest or Penalties on Back Assessments	12D-13.019
Homestead Tax Deferral – Definitions	12D-13.028
Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll	12D-13.037
Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees	12D-13.061
Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale	12D-13.062
Sale at Public Auction	12D-13.063

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-13.014 and 12D-13.019, F.A.C., is to clarify the application of discounts to non-ad valorem assessments.

The purpose of the proposed amendment to Rule 12D-13.028, F.A.C., is to include the definition of “income” for purposes of determining eligibility for tax deferral. The purpose of the proposed amendment to Rule 12D-13.037, F.A.C., is to implement the provisions of Chapter 2001-137, Laws of Florida, providing for additional tax notices to be mailed by April 30, and providing that tax notices up to a certain amount are not required to be mailed. The purpose of the proposed amendment to Rule 12D-13.061, F.A.C., is to implement the provisions of Chapter 2001-137, Laws of Florida, which provides specifications for tax collectors’ contracts with title companies for ownership and encumbrance reports. The purpose of the proposed amendment to Rule 12D-13.062, F.A.C., is to implement the provisions of Chapter 2001-252, Laws of Florida, which provides the requirements and exceptions for recording certain records by the clerks of the circuit court in connection with tax deed sales. The purpose of the proposed amendments to Rule 12D-13.063, F.A.C., is to implement the provisions of Chapter 2001-252, Laws of Florida, which provides certain requirements of bidders and clerks of the circuit court in connection with tax deed sales, canceled tax deed sales and tax deed issuance.

SUMMARY: The proposed amendments to Rules 12D-13.014 and 12D-13.019, F.A.C., include non-ad valorem assessments for the application of penalty, interest and discounts. The proposed amendment to Rule 12D-13.028, F.A.C., includes the definition of “income” for tax deferral purposes. The proposed amendment to Rule 12D-13.037, F.A.C., provides that additional tax notices are to be mailed by April 30, instead of April 10, and that tax notices in an amount up to \$30, instead of \$5 or less, are not required to be mailed where approved by the Board of County Commissioners. The proposed amendment to Rule 12D-13.061, F.A.C., provides that fees paid by tax collectors for ownership and encumbrance reports are required to be collected from tax deed applicants and added to opening bids. The proposed amendments to Rule 12D-13.062, F.A.C., provide that the clerk of the circuit court is not required to file certificates of notice and publisher affidavits in the public records where the land is redeemed in connection with tax deed applications. The proposed amendment to Rule 12D-13.063, F.A.C., provides that the clerk of the circuit court will post a notice at a tax deed sale of the requirement that the highest bidder post a \$200 non-refundable cash deposit; that the deposit is applied to the sale price at the time of payment of the highest bidder; that the successful bidder is required to pay the full amount of the final bid, less the cash deposit, and documentary stamp tax and recording fees within 24 hours; and that all costs to re-sell property where the highest bidder fails to pay all costs are to be paid from the \$200 cash deposit, with any remaining amounts applied toward the opening bid.

The amendment also provides that the clerk of the circuit court may require bidders at a public sale to demonstrate their ability to pay the \$200 cash deposit, and the clerk may refuse to recognize the bid of any person who does not show the willingness or ability to pay the \$200 cash deposit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 193.1145(9), 195.022, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 28.24, 193.072, 193.085, 193.092, 193.114, 193.1145, 193.116, 193.122, 194.171, 194.192, 195.002, 195.027, 196.295, 197.122, 197.123, 197.131, 197.152, 197.162, 197.172, 197.212, 197.222, 197.2301, 197.242, 197.243, 197.252, 197.253, 197.263, 197.322, 197.343, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.552, 197.562, 197.582, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 5, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.014 Penalties or Interest, Collection on Roll.

(1) No change.

(2) In the collection of penalties or interest, the tax collector shall collect the entire penalty and interest. If the collection of the tax and non-ad valorem assessment is within the period of time specified for discounts, ~~then~~ the tax collector shall only allow the discounts on the taxes and non-ad valorem assessments.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.072, 193.085, 193.114, 193.116, 193.122, 194.192, 195.002, 195.027, 197.122, 197.123, 197.131, 197.162, 213.05 FS. History—New 6-18-85, Formerly 12D-13.14, Amended 12-31-98, _____.

12D-13.019 Collection of Interest or Penalties on Back Assessments.

The tax collector shall collect interest due on back assessments listed by the property appraiser on the current tax roll. The tax collector shall compute the interest, if any, on the current tax roll if the current assessment and the back assessments are not paid prior to April 1 or the date of delinquency, whichever is later. Discounts shall apply to taxes and non-ad valorem assessments only.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.072, 193.092, 197.122, 197.152, 197.172, 197.322, 213.05 FS. History—New 6-18-85, Formerly 12D-13.19, Amended _____.

12D-13.028 Homestead Tax Deferral – Definitions.

For purposes of property tax deferral on homesteads:

(1) No change.

(2) “Income” means the “adjusted gross income.” as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

(2) through (3) renumbered (3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.242, 197.243, 197.252, 197.253, 197.263, 213.05 FS. History—New 6-18-85, Formerly 12D-13.28, Amended _____.

12D-13.037 Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll.

(1) No change.

(2) The tax collector may mail such additional notices as he or she may deem proper and necessary in order that taxes, both real and personal, may be collected in a timely manner and so that the taxpayer is advised of the amount of taxes due, the due date, discounts, date of delinquency, penalties, interest, and action to be taken if said taxes are not paid. Additional notices ~~must shall~~ be mailed by April 30, to those taxpayers whose payment has not been received ~~at least 30 days prior to the date of delinquency.~~ Effective July 1, 1997, the additional notices shall be mailed by April 10. This shall apply to real and personal property taxes.

(3) At the recommendation of the tax collector, the Board of County Commissioners may adopt a resolution instructing the collector not to mail notices to any taxpayer when the tax due as shown on the tax notice is less than an amount up to \$30 five dollars. The resolution shall instruct the property appraiser not to extend taxes on any parcel for which the tax amount is an amount less than \$30, as specified in the resolution ~~will be less than five dollars~~. Said resolution shall remain effective until rescinded and shall apply to all future tax rolls.

(4) No change.

Specific Authority 193.1145(9), 195.022, 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 193.122, 194.171, 196.295, 197.212, 197.222, 197.2301, 197.322, 197.343, 197.3632, 213.05 FS. History—New 6-18-85, Formerly 12D-13.37, Amended 5-23-91, 12-13-92, 12-25-96, _____.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.

(1) through (7) No change.

(8) Fees paid by the tax collector for ownership and encumbrance reports must be collected from the tax deed applicant and added to the opening bid.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 213.05 FS. History--New 6-18-85, Formerly 12D-13.61, Amended _____.

12D-13.062 Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale.

(1) through (4) No change.

(5) Except when land is redeemed, the clerk of the circuit court shall record his or her certificate of notice together with the affidavit of publisher (proof of publication) in the official records of the county. For the recording of the certificate of notice and affidavit of publisher the clerk shall receive such fees for recordation as specified in Chapter 28, Florida Statutes.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History--New 6-18-85, Formerly 12D-13.62, Amended _____.

12D-13.063 Sale at Public Auction.

(1) No change.

(2) The clerk shall hold a public auction at the time and place stated in the notice. The time shall be within the regular office hours of the clerk. The place shall be at one of the courthouse doors or as specified in the advertisement pursuant to section 197.512, Florida Statutes. The clerk must post notice at the sale location that the highest bidder will be required to post a \$200 non-refundable cash deposit at the time of sale.

(3) through (4) No change.

(5) If there are no bids higher than the statutory opening bid, the following procedures shall apply:

(a) If the tax deed applicant is an individual certificate holder:

1. The land shall be sold to the certificate holder. The certificate holder is required to immediately pay to the clerk of the circuit court applicable documentary stamp tax and recording fees provided the certificate holder pays the full amount due.

2. through (c) No change.

(6)(a) If there are bids higher than the statutory opening bid, the land shall be sold to the highest bidder. The clerk of the circuit court shall require the successful bidder to post a non-refundable \$200 cash deposit at the time of sale. The deposit shall be applied to the sale price at the time of full payment. The clerk of the circuit court shall require the successful bidder to make full payment in the amount of the highest bid at the sale within 24 hours. If the successful bidder fails to make full payment of the final bid and documentary

stamp tax and recording fees, less the cash deposit, within 24 hours, the clerk of the circuit court shall cancel the bids, re-advertise the property and re-sell the property. All costs of the sale shall be paid from the cash deposit with any remaining funds applied toward the opening bid.

(b) If the sale is canceled for any reason, the clerk of the circuit court shall immediately re-advertise the sale to be held no later than 30 days after from the date the sale was canceled. Only one advertisement shall be necessary. No further notice shall be required. The cost to re-advertise shall be added to the statutory (opening) bid.

(7) No change.

(8) The clerk of the circuit court may require bidders at a public sale to demonstrate their willingness and ability to pay the \$200 cash deposit described in subsection (6) of this rule. The clerk of the circuit court shall have the right to refuse to recognize the bid of any person who has previously bid and refused for whatever reason to honor such bid or who cannot demonstrate, to the satisfaction of the clerk of the circuit court, willingness and ability to pay the \$200 cash deposit.

(9) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 28.24, 197.122, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.552, 197.562, 197.582, 213.05 FS. History--New 6-18-85, Formerly 12D-13.63, Amended 5-23-91, 12-13-92, 1-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/ RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 20, 2001, Vol. 27, No. 29. A rule development workshop was held on August 3, 2001, in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed amendments

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Index to Forms RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, F.A.C., implement forms revisions created in Chapters 2001-137, 2001-204, 2001-208, and 2001-245, Laws of Florida, and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate legislative and technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., October 5, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Freight Line and Equipment Companies Annual Report (r. 11/01 12/00)	11/01 4/01
(3) through (7)(b) No change.		

(c) DR-405	Tangible Personal Property Tax Return (r. 12/00 12/97)	11/01 12/97
(8) through (14)(a) No change.		
(b) DR-422	Certification of Final Taxable Value (r. 6/98 4/95)	11/01 12/94
(15) through (21)(a) No change.		
(b) DR-474	Notice of Proposed Property Taxes (r. 01/02 4/95)	11/01 12/95
(c) No change.		
(d) DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. 01/02 6/98)	11/01 12/98
(22) through (38) No change.		
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. 11/01 12/99)	11/01 4/00
(b) through (c) No change.		
(40)(a) DR-504	Ad Valorem Tax Exemption Application and Return (r. 11/01 12/00)	11/01 4/01
(b) through (c) No change.		
(d) <u>DR-504HA</u>	<u>Ad Valorem Tax Exemption Application and Return – Homes for the Aged (n. 11/01)</u>	<u>11/01</u>
(41) through (51)(a) No change.		
(b) DR-534	Notice and Application for Alternative Payment of 2002 2001 Property Taxes (r. 11/01 12/00)	11/01 4/01
(52) through (55) No change.		
(56)(a) DR-570	Application for Homestead Tax Deferral (r. 06/01 4/93)	11/01 4/93
(b) through (61) No change.		

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/ RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 20, 2001, Vol. 27, No. 29. A rule development

workshop was held on August 3, 2001, in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed amendments.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers: Appointment and Responsibility **RULE NO.:** 33-302.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to make technical corrections and to clarify procedures relating to twenty-four hour telephone access by offenders.

SUMMARY: The proposed rule clarifies the process for offenders having access to their supervising officers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

(1) Officers are appointed by the State of Florida under the authority of the Department of Corrections and are responsible for supervision and control of offenders, including the enforcement of conditions of supervision, conducting investigations and initiating arrest of Florida offenders under their supervision as appropriate with or without warrant. Offenders from other states are not subject to arrest as a violator unless an Interstate Compact arrest warrant has been issued by the originating state.

(2) The use of Department of Corrections issued credentials and badges is only authorized when conducting official duties.

(3) Correctional Probation Officers must have a valid driver's license and use only a four-wheel conventional vehicle when performing their duties. Correctional Probation Officers shall be subject to the provisions of Rule 33-208.402, F.A.C., regarding maintenance of driver's licenses and privileges.

(4) Officers are required to have telephones in their place of residence to provide 24-hour per day telephone access by the offender ~~either directly or indirectly~~ through a designated emergency contact correctional facility.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions **RULE NO.:** 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to promulgate the 2002 version of various forms that are required to be filed annually, as well as the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees. The Commission also proposes to repeal CE Form 1F-2000 and CE Form 6F-2000, and amend CE Form 1F-2001 and CE 6F-2001 by dropping the "2001" designation in the title of the form.

SUMMARY: CE Form 1; CE Form 1F-2000; CE Form 1F-2001; CE Form 6; CE Form 6F-2000; CE Form 6F-2001; CE Form 10; and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" are affected by the proposed amendment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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 within 21 days of this notice.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., Friday, October 19, 2001

PLACE: City Commission Chambers, 2nd Floor, City Hall, 300 South Adams Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2002 ~~1/2001~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2002 ~~1/2001~~.

(d) No change.

(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in complying with the Sunshine Amendment and the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes. Effective 1/2002 ~~1/2001~~.

(f) through (m) No change.

(n) Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the gift disclosure requirements of Section 112.3148(6), Florida Statutes, and the honorarium disclosure requirements of Section 112.3149(6), Florida Statutes. Effective 1/2002 ~~1/2001~~.

(o) No change.

~~(p) Form 1F-2000, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 11/2000.~~

~~(q) Form 6F-2000, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 11/2000.~~

~~(p)(*) Form 1F-2001, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2002 1/2001.~~

~~(q)(*) Form 6F-2001, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2002 1/2001.~~

(r) Form 1X, Amendment to Form 1 Statement of Financial Interests. To be used to amend a previously filed CE Form 1. Effective _____.

(s) Form 6X, Amendment to Full and Public Disclosure of Financial Interests. To be used to amend a previously filed CE Form 6. Effective _____.

(2) No change.

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS., ~~Chapters 2000-232, 2000-243, and 2000-258, LOF.~~ Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const., ~~Chapters 2000-232, 2000-243, and 2000-258, LOF.~~ History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Federally Qualified Health Center Services
RULE NO.: 59G-4.100

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, April 2001.

SUMMARY: The updated Florida Medicaid Federally Qualified Health Center Coverage and Limitations Handbook, April 2001, is a complete revision and includes clarification to the policy for mental health services, the addition of information regarding family planning waiver services and HIV counseling policies, and numerous technical corrections.

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: 409.905, 409.908, 409.9081 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., October 8, 2001

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Coverage and Limitations Handbook, April 2001 ~~April 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up ~~EPSDT~~ 221, incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-95, 5-28-95, 5-28-96, 6-24-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Manner of Application – Endorsement
RULE NO.: 64B16-26.204

PURPOSE AND EFFECT: The Board is promulgating a new rule which will set forth the requirements for applicants who wish to file an application for licensure by endorsement.

SUMMARY: The Board is implementing the provisions of newly enacted legislation set forth in Section 465.0075, F.S., which authorizes licensure by examination.

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: Ch. 2001-166, Laws of Florida, 456.033, 465.005 FS.

LAW IMPLEMENTED: Ch. 2001-166, Laws of Florida, 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.204 Manner of Application – Endorsement.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3). All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in 64B16-26.103(4).

(1) Applicants must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education. Applicants qualifying under the education requirements of 465.007(1)(b)2., F.S. (foreign graduates), must complete the requirements of 64B16-26.205 prior to the certification for the examination required in (6) of this section.

(2) All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (9-4-01). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective _____, shall be accompanied with a non-refundable endorsement application fee of \$100, the initial licensure fee of \$190, and \$5.00 unlicensed activity fee.

(3) All requirements for licensure must be met within one year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(4) Applicants applying under the provisions of 465.0075, F.S., must have obtained a passing score on the licensure examination as described in 64B16-26.200(1)(a) not more than 12 years prior to application.

(5) Applicants applying under the provisions of 465.0075, F.S., shall cause the National Association of Boards of Pharmacy, or other similar organization to issue a Transfer of Pharmaceutical Licensure certificate showing examination date, examination results, states of licensure, disciplinary actions, and licensure status.

(6) Applicants deemed qualified for licensure as provided in 465.0075, shall only be required to complete the examination described in 64B16-26.200(1)(b).

(7) Applicants shall submit satisfactory proof that one of the following requirements has been met:

(a) Two years of active practice, as defined in section 465.0075(1)(c), F.S., within the immediately preceding 5 years.

(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.

(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.

(d) Successful completion of an internship meeting the requirements of 465.0075(1)(c) within the immediately preceding two years.

(8) Applicants licensed for more than two years in another state must submit 30 hours of approved continuing education obtained in the two calendar years immediately preceding application.

Specific Authority Ch. 2001-166, Laws of Florida, 456.033, 465.005 FS. Law Implemented Ch. 2001-166, Laws of Florida, 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Licensure by Examination: Course on Domestic Violence	64B19-11.004
Limited Licensure	64B19-11.010
Provisional License; Supervision of Provisional Licensees	64B19-11.011

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUMMARY: The Board is updating language in the above rules.

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: 456.015(1)(4), 456.013, 456.031, 456.031, 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 456.015, 456.031, 490.003(6), 490.004(4), 490.0051, 490.009(1),(92)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-11.004 Licensure by Examination: Course on Domestic Violence.

Before licensure, each applicant shall comply with the requirements of Section 456.031, F.S. and shall demonstrate compliance by completing and submitting PY FORM 3.domviol (re. 03/01), "Domestic Violence Affirmation Form," effective _____, which is incorporated herein by reference and which may be obtained from the Board office.

Specific Authority 456.031, 490.004(4) FS. Law Implemented 456.031 FS. History—New 8-12-90, Amended 11-18-92, 7-14-93, Formerly 21U-11.0063, Amended 6-14-94, Formerly 61F13-11.0063, Amended 1-7-96, Formerly 59AA-11.004, Amended 8-3-97, _____.

64B19-11.010 Limited Licensure.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) are retired or will retire from the active practice of psychology within six (6) months of the date of the application, and

(b) pay an application and licensure fee of \$25, unless the applicant submits a notarized statement from the applicant's employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee.

(c) complete and submit to the Board from DOH/MQA/PY LL APP/new 02/01, "Application for Psychologist Limited Licensure," effective _____, which is hereby incorporated by reference, copies of which may be obtained from the Board office.

(2) No change.

Specific Authority 456.015(1),(4), 490.004(4) FS. Law Implemented 456.015 FS. History—New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended _____.

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) complete and submit to the Board a ~~Board approved application~~ form DOH/MQA/PY/PROVISIONAL-APP/rev-05/01, "Application for Provisional Psychology Licensure," DOH/MQA/PY PROV LIC APP/new 12/97,

which is hereby incorporated by reference ~~and will~~ be effective ~~1-27-98~~, copies of which may be obtained from the Board office;

(2) through (3) No change.

(4) The provisional licensee shall insure that the supervisor notifies the Board immediately and in writing of the termination of the supervision.

(5) In the event that supervision is terminated, the provisional psychologist shall cease practice until a new supervisor is approved by the Board.

Specific Authority 456.013, 490.003(6), 490.0051, 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009(1),(2)(c) FS. History–New 1-27-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: RULE NOS.:

Basic Life Support Service License – Ground 64E-2.002

Advanced Life Support Service License – Ground 64E-2.003

Medical Direction 64E-2.004

Trauma Registry 64E-2.018

Trauma Agency Implementation and Operational Requirements 64E-2.021

PURPOSE AND EFFECT: To amend Chapter 64E-2, F.A.C., in order to comply with Chapter 120.536(3), F.S., which requires the repeal of rules lacking sufficient statutory authority.

SUMMARY: These rules are being amended to either remove language which was previously identified as lacking statutory authority or to remove language which repeats statute.

STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 395.405, 401.121, 401.272, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.25, 401.252, 401.26, 401.265, 401.27, 401.30, 401.35 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW. (IF NO REQUEST IS RECEIVED, THIS HEARING WILL NOT BE HELD).

TIME AND DATE: 10:00 a.m., October 16, 2001

PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, or Fax (850)921-8162

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.002 Basic Life Support Service License – Ground.

(1) No change.

(2) The department shall issue a license to any applicant who: ~~has met the requirements of chapter 401, part III, the rules promulgated pursuant thereto and:~~

(2)(a) through (b) No change.

(3) No change.

~~(4) Except as provided for in section 401.252, F.S., a BLS provider shall not transport a patient receiving ALS care in a BLS permitted ambulance from the emergency scene to a hospital or other facility.~~

~~(4)(5) Every provider, except those exempted in section 64E-2.006(1)(a), F.A.C., shall ensure that each EMS vehicle permitted by the department shall be equipped and maintained as listed in Table III.~~

Table III – No change.

Specific Authority 381.0011, 395.405, 401.121, 401.25, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 401.23, 401.24, 401.25, 401.252, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.49, Amended 4-12-88, 8-3-88, 12-10-92, 10-2-94, 1-26-97, Formerly 10D-66.049, Amended 8-4-98, 1-3-99,_____.

64E-2.003 Advanced Life Support Service License – Ground.

(1) No change.

~~(2) The department shall issue a license to any applicant who meets the requirements of chapter 401, part III, F.S., and sections 64E-2.02(2)(a)(b) and 64E-2.032, F.A.C.~~

~~(2)(3) Each ALS provider shall ensure and document in its employee records that each of its EMTs or paramedics hold a current certification from the department.~~

~~(4) Except as provided for in section 401.252, F.S., an ALS provider shall not transport a patient receiving ALS care in a BLS permitted ambulance from the emergency scene to a hospital or other facility.~~

~~(3)(5)~~ Each ALS provider shall ensure that a current copy of all standing orders authorized by the medical director shall be available in each of the provider's vehicles; for review by the department; to each of the provider's paramedics; and supplied to each physician designated by the medical director to receive a copy.

~~(4)(6)~~ In addition to the equipment and supplies listed in Table III, the medications and I.V. solutions and equipment listed in Table V are required on each ALS permitted vehicle, except those exempted in Section 64E-2.006(1)(a), F.A.C. Substitutions are allowed with signed approval from the medical director and written notification to the department.

~~(5)(7)~~ The medical director may authorize an EMT instead of the paramedic or licensed physician to attend a BLS patient on an ALS permitted ambulance under the following conditions:

(a) through (c) No change.

~~(6)(8)~~ ALS Nontransport:

(a) through (e) No change.

~~(7)(9)~~ Advanced life support non-transport vehicles staffed pursuant to Section 64E-2.003(8)(c), F.A.C., are not required to carry the equipment and supplies identified in Table III or V. Such vehicles shall at a minimum carry portable oxygen, defibrillation equipment, airway management supplies and equipment, and medications and fluids authorized by the medical director of the licensed service.

Specific Authority 381.0011, 395.405, 401.121, 401.265, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99, 2-20-00, 9-3-00, 4-15-01,_____.

64E-2.004 Medical Direction.

(1) through (3) No change.

(4) Duties and Responsibilities of the Medical Director.

~~(a) Supervise and accept direct responsibility for the medical performance of the paramedics and EMTs working for emergency medical services providers.~~

~~(a)(b)~~ Develop medically correct standing orders or protocols which permit specified ALS and BLS procedures when communication cannot be established with a supervising physician or when any delay in patient care would potentially threaten the life or health of the patient. The medical director shall issue standing orders and protocols to the provider to ensure that the provider transports each of its patients to facilities that offer a type and level of care appropriate to the patient's medical condition if available within the service region. The medical director or his appointee shall provide continuous 24-hour-per-day, 7-day-per-week medical direction which shall include in addition to the development of protocols and standing orders, direction to personnel of the provider as to

availability of medical director "off-line" service to resolve problems, system conflicts, and provide services in an emergency as that term is defined by Section 252.34(3), F.S.

~~(b)(e)~~ Develop and implement a patient care quality assurance system to assess the medical performance of paramedics and EMTs. The medical director shall audit the performance of system personnel by use of a quality assurance program to include but not limited to a prompt review of patient care records, direct observation, and comparison of performance standards for drugs, equipment, system protocols and procedures. The medical director shall be responsible for participating in quality assurance programs developed by the department.

~~(c)(d)~~ With the exception of BLS medical directors each ALS or air ambulance service medical director shall possess proof of current registration as a medical director, either individually or through a hospital, with the U.S. Department of Justice, DEA, to provide controlled substances to an EMS provider. DEA registration shall include each address at which controlled substances are stored. Proof of such registration shall be maintained on file with each ALS or air ambulance provider and shall be readily available for inspection.

~~(d)(e)~~ Ensure and certify that security procedures of the EMS provider for medications, fluids and controlled substances are in compliance with Chapters 499 and 893, F.S., and Chapter 64F-12, Florida Administrative Code.

~~(e)(f)~~ Create, authorize and ensure adherence to, detailed written operating procedures regarding all aspects of the handling of medications, fluids and controlled substances by the provider.

~~(f)(g)~~ Notify the department in writing of each substitution by the EMS provider of equipment or medication.

~~(g)(h)~~ Assume direct responsibility for: the use by an EMT of an automatic or semi-automatic defibrillator; the performance of esophageal intubation by an EMT; and on routine interfacility transports, the monitoring and maintenance of non-medicated IVs by an EMT. The medical director shall ensure that the EMT is trained to perform these procedures; shall establish written protocols for the performance of these procedures; and shall provide written evidence to the department documenting compliance with provisions of this paragraph.

~~(i)~~ Review, and if appropriate, approve a 30-hour EMT refresher course for which the medical director is contracted.

~~(h)(j)~~ Ensure that all EMTs and paramedics are trained in the use of the trauma scorecard methodologies as provided in Sections 64E-2.017, F.A.C., for adult trauma patients and 64E-2.0175, F.A.C., for pediatric trauma patients.

~~(i)(k)~~ Develop and revise when necessary TTPs for submission to the department for approval.

(j)(H) Participate as a crew member on an EMS vehicle for a minimum of 10 hours per year and complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both.

(k)(M) If he is a medical director of a training program:

1. through 8. No change.

Specific Authority 381.0011, 395.405, 401.265, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History—New 8-7-89, Amended 6-6-90, 12-10-92, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99, 2-20-00, 4-15-01,_____.

64E-2.018 Trauma Registry.

(1) through (3) No change.

~~(4) Any SATC, SAPTRC, hospital or trauma agency which desires to provide trauma registry data in any manner other than prescribed in this section may submit a request to provide the data by an alternative method. Any request shall be in accordance with the intent of sections 64E-2.015 and .018, F.A.C.~~

Specific Authority 395.405, 401.35 FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.013, Amended 7-14-99,_____.

64E-2.021 Trauma Agency Implementation and Operation Requirements.

(1) through (3) No change.

~~(4) The department shall withdraw trauma agency approval at any time if the trauma agency fails to effectively meet the needs of the persons served by the trauma agency or if the department determines that implementation is inconsistent with the department approved trauma agency plan, chapters 395 and 401, F.S. or rules of the department.~~

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 12-10-92, Formerly 10D-66.1065, Amended 8-4-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Senior Management Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Bement, Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

P.O. G10454

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: RULE CHAPTER TITLE:

4A-60

The Florida Fire Prevention Code

RULE NO.:

RULE TITLE:

4A-60.005

Publications added to NFPA 1 and NFPA 101

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to Rule 4A-60.005, Florida Administrative Code, accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 6, February 9, 2001, edition of the Florida Administrative Weekly.

4A-60.005 Publications Added to NFPA 1 and NFPA 101.

(1) No change.

(2) The following publications are hereby adopted and incorporated by reference herein and added to NFPA 1, 2000 edition, and NFPA 101, 2000 edition, respectively, and shall take effect on the effective date of this rule:

NFPA 10, 1998 edition	Standard for Portable Fire Extinguishers
NFPA 57, 1999 edition	Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code

No change.

NFPA 58, 1998 1999 edition	Liquefied Petroleum Gas Code
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NFPA 59, 1998 edition	Standard for the Storage, and Handling of Liquefied Petroleum Gases at Utility Gas Plants
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Standard Fire Prevention Code, Chapter 22, 1997 edition

No change.

Such portions of "The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," which pertain to meeting firesafety requirements without destroying the historical aspects of the building