

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-46R
 RULE CHAPTER TITLE: Requirements for Sources Subject to the Federal Acid Rain Program
 RULE CHAPTER NO.: 62-214
 RULE TITLES: Applications, Exemptions, Department Action on Applications
 RULE NOS.: 62-214.320, 62-214.340, 62-214.360

PURPOSE AND EFFECT: The Department is proposing to amend Florida Administrative Code Chapter 62-214 to remove the industrial-utility unit exemption in accordance with EPA's recent removal of the federal industrial-utility exemption language, 40 CFR 72.14, in 66 FR 12973 - 12978. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

4-149.107
 4-149.108
 4-149.109
 4-149.110
 4-149.1105
 4-149.111
 4-149.112
 4-149.120
 4-149.121
 4-149.122
 4-149.123
 4-149.190

Credibility of Data
 Reasonableness of Benefits in Relation to Premiums
 Grounds for Disapproval
 Actuarial Memorandum
 Additional Standards for Point of Service Products (POS)
 Annual Rate Filing Procedures
 Loss Ratio Guarantee Filings
 Purpose and Scope
 Form Filing Procedures
 Review
 Prohibited Policies
 Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s) as noticed in published in Vol. 23 No. 45, November 7, 1997 and Vol. 24 No. 46, November 13, 1997, of the Florida Administrative Weekly, with notices of change published in Vol. 24 No. 20, May 15, 1998; Vol. 24 No. 31, July 31, 1998; Vol. 26 No. 12, March 24, 2000; Vol. 26 No. 22, June 2, 2000; and Vol. 26 No. 26, June 30, 2000 have been withdrawn.

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.: 4-149.001 to 4-149.106
 RULE TITLES: PART I FILING OF RATES FOR HEALTH INSURANCE
 Purpose, Scope and Applicability, Contents of Rate Filings, Experience Records, Reasonableness of Benefits in Relation to Premiums, Actuarial Memorandum and Definitions, Annual Rate Filing Procedures, Loss Ratio Guarantee Filings, Small Group Health Rating Requirements, Refusal to Insure Based on Geographical Location, Purpose and Scope, Form Filing Procedures, Forms Adopted, Review, Prohibited Policies, Restrictive Riders, Purpose, Scope & Applicability, Definitions, Rate Filing Procedures, Rate Filing Standards, Pooling of Similar Contracts

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.: 5M-2
 RULE CHAPTER TITLE: Best Management Practices for Citrus, Cow/Calf (including Cow/Calf on buyout dairy property), Dairies and the Land Application of Animal Manures
 RULE NOS.: 5M-2.001 to 5M-2.007
 RULE TITLES: Purpose, Definitions, Land Application of Animal Manure, Approved BMPs, Notice of Intent to Implement, Presumption of Compliance, Record Keeping

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3), Florida Statutes, notice is hereby given that the above proposed rules, as noticed in Vol. 28, No. 11, March 15, 2002, issue of the Florida Administrative Weekly, have been withdrawn in response to comments received from the Joint Administrative Procedures Committee.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.: 5M-2
RULE CHAPTER TITLE: Indian River Area Citrus Best Management Practices

NOTICE OF CORRECTION

The Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, announces a correction to the Notice of Rule Making regarding Rule Chapter 5M-2; Indian River Area Citrus Best Management Practices, which appeared in the March 29, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 12. Specifically, the notice published in the March 29, 2002, issue of the Florida Administrative Weekly, indicated that if an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting. The correct contact information for specific accommodations in order to participate in this meeting is the Office of Ag Water Policy, Department of Agriculture and Consumer Services, (850)488-6249.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725
RULE TITLE: Permissible Items for Visitors
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. 28, No. 4, January 25, 2002, issue of the Florida Administrative Weekly, and amended in Vol. 28, No. 9, March 1, 2002, issue of the Florida Administrative Weekly:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.

(b) through (2) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE NO.: 59A-4.203
RULE TITLE: Financial Requirements
NOTICE OF CHANGE

Proposed amendment to Rule 59A-4.203 was published March 1, 2002, in Vol. 28, No. 9 of the Florida Administrative Weekly.

59A-4.203 Financial Requirements.

~~(4) Nursing homes licensed to the state Veteran's Administration are exempt from this section.~~

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
RULE TITLE: Continuing Psychological Education Credit
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 3, of the January 18, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on March 22, 2002, in Miami, Florida, voted to change subsection (3) of the rule. When changed, subsection (3) shall read as follows:

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031(1)(a), and three (3) of the forty (40) hours must be on professional ethics and Florida statutes and rules affecting the practice of psychology. Two (2) of the forty (40) hours must relate to prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is offered by a facility licensed pursuant to chapter 395 for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility. Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence, nor the requirement for two (2) hours relating to prevention of medical errors.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:
Retailer FLORIDA LOTTO™ Bonus 53ER02-16
Commission Program

SUMMARY OF THE RULE: The Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-16 Retailer FLORIDA LOTTO™ Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program “Program” in which the Florida Lottery will award a \$10,000 bonus commission per drawing to the on-line retailer(s) that sells a grand prize FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(2) If more than one retailer sells a winning grand prize FLORIDA LOTTO ticket for the same drawing, each such retailer will earn an equal share of the \$10,000 bonus commission.

(3) Bonus commissions will not carry forward in the event no winning grand prize ticket is sold for a specific FLORIDA LOTTO drawing.

(4) Award of a grand prize FLORIDA LOTTO bonus commission is not dependent upon the winning grand prize ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(7) This emergency rule is effective upon filing. FLORIDA LOTTO bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state’s best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 3-25-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 25, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-54 DAO-ROW), dated March 14, 2002 to June Rigol Gwinn. The petition for waiver was received by the SFWMD on January 22, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 7, on February 15, 2002. No public comment was received. This Order provides a waiver to allow an existing boat dock, existing fence enclosure and temporary shed to remain within the west right of way of C-100B, located at the rear of 18321 S.W. 90th Court, Section 33, Township 55 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rules 40E-6.011(4),(5) and (6), and Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD’s ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent June Rigol Gwinn from suffering a violation of the principles of fairness. A copy of the Order can be obtained from Jan Sluth at the South Florida Water