

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Workers Compensation: Application and Audit Procedures
RULE NO.: 4-189.003

PURPOSE AND EFFECT: To update Rule 4-189.003, F.A.C., due to changes required by SB 108. SB 108 requires that the application that insurers use be changed by including a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for the premium calculations. SB 108 also requires that the audit procedures insurers use be changed by mandating at the completion of an audit, the employer or officer of the corporation and the auditor must print and sign their names on the audit document and attach proof of identification to the audit document.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation applications and procedures.

SPECIFIC AUTHORITY: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

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

TIME AND DATE: 2:00 p.m., June 18, 2002

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

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 Theresa Eaton, (850)413-3821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Eaton, Property & Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3821

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Managing General Agents	4-221.003
Actively Engaged in Business; Place Suitably Designated; Accessible to Public	4-221.051
Permanent Office Records Required	4-221.055
Notice of Change of Address	4-221.060
Build-up Funds; Reporting	4-221.070

Soliciting Business	4-221.095
Terms and Conditions of Contract; Forms	4-221.100
Premium Charge Only Permitted	4-221.105
Premium Shall Be Term Charge; Premium Refund, When	4-221.110
Pre-numbered Receipt as Evidence of Payment	4-221.115
Pre-numbered Receipt as Evidence of Collateral	4-221.120
Use of Credit Cards and Cash Advance Facilities in Conjunction With Issuing Bail Bonds	4-221.145
Department May Request Information	4-221.150

PURPOSE AND EFFECT: The purpose and effect of the rule development is to conform existing rules with statutory changes to Chapter 648, Florida Statutes, adopted in CS/SB 1916, effective July 1, 2002, and to clarify and update the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Reporting and filing requirements for bail bond agents, and other regulatory requirements.

SPECIFIC AUTHORITY: 648.26, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 626.601, 626.744, 648.25, 648.25(9), 648.27, 648.29, 648.295, 648.33, 648.34, 648.355, 648.36, 648.387, 648.388, 648.421, 648.44, 648.44(1)(i), 648.44(6), 648.442, 648.442(2), 648.4425, 648.48 FS.

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

TIME AND DATE: 11:00 a.m. – 2:00 p.m., June 19, 2002

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

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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Glenda Ostreich, Bail Bond Section, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5660

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Uniform Firesafety Standards for Transient Public Lodging Establishments	4A-43

RULE TITLE: Standards of the National Fire Protection Association Adopted
 RULE NO.: 4A-43.019
 PURPOSE AND EFFECT: To adopt standards of the National Fire Protection Association for transient public lodging establishments.
 SUBJECT AREA TO BE ADDRESSED: standards of the National Fire Protection Association for transient public lodging establishments.
 SPECIFIC AUTHORITY: 509.215(5) FS.
 LAW IMPLEMENTED: 509.215 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
 TIME AND DATE: 8:30 a.m., June 17, 2002
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
 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 Millicent King, (850)413-3619.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)922-3171

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-43.019 Standards of the National Fire Protection Association Adopted.

(1) Except as modified by Section 509.215, Florida Statutes, the standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, the edition as adopted in Rule 4A-3.012, F.A.C., are hereby adopted and incorporated by reference and shall be the uniform firesafety standards for “public lodging establishments,” as defined in Section 509.013(4)(a), Florida Statutes, which are “transient establishments,” as defined in Section 509.013(10), Florida Statutes.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the National Fire Protection Association at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All codes and standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 509.215(5) FS. Law Implemented 509.215 FS. History–New

FLORIDA PAROLE COMMISSION

RULE TITLES: General Definitions Addiction Recovery Release Evaluation Procedure Addiction Recovery Supervision Revocation of Addiction Recovery Release
 RULE NOS.: 23-25.001 23-25.002 23-25.003 23-25.004 23-25.005
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth procedures for implementation of the Addiction Recovery Supervision Program pursuant to Sections 944.4731 and 947.141, Florida Statutes (2001), for inmates eligible for post-prison supervision in the Program.
 SUBJECT AREA TO BE ADDRESSED: Post-prison Addiction Recovery Supervision.

SPECIFIC AUTHORITY: 944.4731(8) FS.
 LAW IMPLEMENTED: 944.4731, 947.141 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bradley R. Bischoff, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

ADDICTION RECOVERY SUPERVISION PROGRAM

23-25.001 General.

The Parole Commission is charged with establishing the term and conditions of supervision for offenders released from incarceration who are subject to the addiction-recovery supervision as provided under Section 944.4731, F.S. The Parole Commission has the authority to issue warrants and revoke such supervision upon a finding of a violation of a condition of addiction-recovery supervision.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New

23-25.002 Definitions.

- (1) Chair – means the Chair of the Parole Commission.
- (2) Addiction Recovery Supervisor – means the person assigned to provide supervision for the Releasee.
- (3) Commission – means the Parole Commission.
- (4) Controlled Substance – means a “controlled substance” as defined in Section 893.02, F.S.
- (5) Conviction – means a “conviction” as defined in Section 921.0021, F.S.
- (6) Department – means the Department of Corrections.

(7) Eligible Offender- means any offender who meets the criteria of Section 944.4731(2)(a), F.S.

(8) History of substance abuse or addiction – means: (1) a score of 4 or more on the Department of Corrections Drug Simple Screening Instrument; (2) two or more prior convictions for an offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia; or (3) one prior conviction for any offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia and the current offense has as an element of the offense a controlled substance, alcohol or drug paraphernalia.

(9) Participated in any drug treatment – means prior community supervision drug treatment, prison drug treatment, mandated or voluntary substance abuse treatment, or acknowledgement by the offender that he or she has sought help for alcohol or substance abuse.

(10) Releasee – means an offender placed on addiction recovery supervision pursuant to Section 944.4731, F.S.

(11) Revocation – means the order of the Commission entered after a Releasee has been found to have violated one or more conditions of the addiction recovery release, and requires the Releasee’s return to prison to resume service of sentence.

(12) Standard Conditions of Supervision – include the following:

(a) Promptly upon being released on addiction recovery release, you will proceed to (address) _____, where you will reside. Immediately upon your arrival, you will report by personal visit to the Addiction Recovery Supervisor under whose supervision you are to be released.

(b) You shall secure the permission of your Addiction Recovery Supervisor before:

1. You change your residence or employment,
2. You leave the county of your residence or the state,
3. You post bail or accept pretrial release if you are arrested for a felony.

(c) You shall submit a full and truthful report to your Addiction Recovery Supervisor before the fifth day of each month in writing on the forms provided or in person.

(d) You shall not:

1. Use alcohol or intoxicants of any kind,
2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.

(e) You shall not knowingly associate with any person who is engaging in any criminal activity.

(f) You shall secure the permission of your Addiction Recovery Supervisor before you own, carry, or have in your constructive possession a knife or any other weapon.

(g) You shall obey all laws, ordinances and statutory conditions of addiction recovery release.

(h) You shall:

1. Submit to a reasonable search by an Addiction Recovery Supervisor, of your person, residence or automobile.

2. Waive extradition back to the state of Florida if you are wanted for return as an alleged addiction recovery release violator.

3. Permit your Addiction Recovery Supervisor to visit you at your residence, employment or elsewhere.

4. Promptly and truthfully answer all questions and follow instructions asked or given to you by your Addiction Recovery Supervisor or the Commission.

(i) You understand that you are to remain on addiction recovery release until released therefrom by expiration or by Commission order.

(j) During your addiction recovery release term, you shall submit to random testing as directed by your supervising officer or the professional staff of any treatment center or residential program where treatment is being received to determine the presence or use of alcohol or controlled substances pursuant to Section 877.111 or Chapter 893, Florida Statutes.

(k) During your addiction recovery release term, you shall submit and pay for urinalysis testing to identify alcohol and/or drug usage and understand that your failure to make such payment or participate as defined under this condition of your addiction recovery release will be considered grounds for revocation of addiction recovery release by the Parole Commission.

(l) You shall pay cost of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, Florida Statutes, and court ordered payments.

(m) You shall participate and be supervised under drug offender probation pursuant to Section 948.001(4), Florida Statutes.

(n) You shall not enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(o) You shall execute and present to your Addiction Recovery Supervisor all necessary authorizations to release records to your Addiction Recovery Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented. Such records shall include medical and psychological records.

(p) During the term of your addiction recovery supervision, you shall support your dependent children as required by court order and you shall provide evidence of required payments under such order to your Addiction Recovery Supervisor.

(q) If you are accepted into a substance-abuse-transition housing program, you shall comply with the terms and conditions of that program, including payment of fees to defray the cost of your participation.

(13) Transition-Assistance Specialist – means a representative of the Department of Corrections.

(14) Tentative Release Date – means the projected release date computed by the Department of Corrections based upon length of sentence reduced by applicable gain-time.

(15) Violation Hearing – means a hearing provided to a Releasee under warrant and conducted by the Commission, a Commissioner, or a duly authorized representative of the Commission, to determine whether the Releasee has violated any condition(s) of his/her release.

(16) Warrant – means a document executed by any member of the Commission which will cause the arrest and detention of a Releasee pending further action by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.003 Addiction Recovery Release Evaluation Procedure.

Within 180 days prior to an Eligible Offender's Tentative Release Date, a Transition Assistance Specialist will interview the offender and review the offender's program participation, disciplinary record, psychological and medical records, release plan, court ordered payments including, but not limited to, costs of supervision and restitution, and any other information pertinent to the pending release. The Transition Assistance Specialist will forward the results of said interview and review to the Commission.

A panel of no fewer than two Commissioners shall review the results of the interview and review, and establish the term and conditions of such release.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.004 Addiction Recovery Supervision.

(1) Prior to an Eligible Offender being released from incarceration, the Commission shall determine the term and conditions of supervision.

(2) If an Eligible Offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control shall not be substituted for addiction recovery supervision, but shall follow the term of addiction recovery supervision.

(3) If an Eligible Offender is subject to both conditional release supervision and addiction recovery supervision, the offender shall be subject to the type of supervision that will result in the longest term of supervision. If the terms of supervision are equal, the offender shall be subject to addiction recovery supervision.

(4) All Eligible Offenders placed on addiction recovery supervision shall be initially subject to Standard Conditions of Supervision upon their release from incarceration. In addition to the Standard Conditions of Supervision, the Commission

shall be subject to such special conditions of supervision as it deems necessary from its review of the record, which may include restitution.

(5) Offenders shall have no right to administrative review of the term and conditions of addiction recovery release as determined by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.005 Revocation of Addiction Recovery Release.

(1) Warrants.

(a) A warrant for the arrest of a Releasee shall only be executed by a Commissioner except in the case of an emergency warrant as provided in (2) herein. The decision to issue a warrant shall be based on evidence which indicates reasonable grounds to believe a Releasee has violated a condition of addiction recovery release. The issuance of a warrant is discretionary.

(b) Warrant requests will be reviewed by Commission staff for sufficiency of information and if found sufficient, staff shall submit a warrant request to a Commissioner for review.

(c) The reviewing Commissioner will execute a warrant, deny the warrant request, or have the warrant request placed before a panel of no fewer than two Commissioners for a decision.

(d) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of addiction recovery release will be entered into the Florida Crime Information Center and the National Crime Information Center, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(e) Should a warrant be issued and a dismissal of the warrant is requested, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause.

(2) Emergency Warrants.

(a) Commission representative duly authorized by the Chair, when the Commission receives notification from an arresting agency that a Releasee has been arrested and charged with a new felony offense and there is no outstanding Commission warrant for the Releasee.

(b) The decision to issue an emergency warrant shall be based on evidence which indicates reasonable grounds to believe a Releasee violated the conditions of addiction recovery release.

(c) Should an emergency warrant be issued, Commission staff will transmit the warrant to the detaining agency for appropriate service or filing and enter information regarding the Releasee into the Florida Crime Information Center and National Crime Information Center, unless the Releasee is in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(3) Release on Recognizance.

(a) The Commission or a Commissioner may at any time during the violation process release a Releasee on recognizance. Such release will be conditioned upon the releasee's appearance at any hearings noticed by the Commission or until further order of the Commission and may include any other condition deemed warranted from the Commission's review of the record.

(b) A review regarding release on recognizance for alleged addiction recovery release violators who are in custody shall be conducted before or at the time of the initial service of the notice of the Violation Hearing.

(c) The alleged violator must be informed that by accepting release on recognizance, he is waiving any and all time constraints related to the Violation Hearing.

(d) Any Releasee who has been arrested pursuant to a Commission warrant may request and shall be provided a hearing on the matter of release on recognizance regarding the Commission warrant. Such hearing shall be held by a Commissioner or a duly authorized representative of the Commission, who shall provide the Commission with a written summary of the hearing, after which a panel of no fewer than two Commissioners shall make a decision and inform the Releasee. Should the Commission or an authorized representative receive reliable information that the Releasee has violated the conditions of the release on recognizance, a Commissioner can enter an order revoking the release on recognizance. Such order shall be sufficient to cause the arrest and return of the Releasee to custody.

(4) Addiction Recovery Release Violation Hearing.

(a) A Commissioner or a duly authorized representative of the Commission shall convene a Violation Hearing within 45 days after notification of the arrest in the State of Florida of a Releasee charged with violation(s), unless waived by the Releasee, or within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

(b) The Releasee shall be informed, in writing, at least 14 days prior to the Violation Hearing of the date, time and location of the hearing. The notice of the hearing shall contain the charges of violation and a list of the Releasee's rights, as follows:

1. The opportunity to be present for the Violation Hearing.
2. The opportunity to present evidence in his or her own behalf, including witnesses and evidence secured by subpoena or subpoena duces tecum.
3. The opportunity to receive, prior to the Violation Hearing, the disclosure of evidence that will be presented at the Violation Hearing.
4. The opportunity to confront and cross-examine any adverse witness.

5. The opportunity to be represented by counsel, either retained or appointed, provided that such appointment is made consistent with the guidelines of the United States Supreme Court case of Gagnon v. Scarpelli, 411 U.S. 778 (1973).

(c) Any Violation Hearing may be waived by the Releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The Releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked within 14 days after the execution of the waiver. Upon receipt of the waiver withdrawal request, a Violation Hearing shall be convened after appropriate notice.

(d) The Releasee may request that the Violation Hearing be postponed until such time as any pending criminal charges that are listed on the Commission's warrant or notice of hearing have been resolved. The granting of a postponement on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints and any requirements for a local hearing. If there are also pending technical violations, the granting of the postponement also postpones disposition of the technical charges until such time as the criminal charges are resolved.

(e) The Releasee may request that the Violation Hearing be continued upon showing of good cause. The request for continuance may be submitted to the person conducting the hearing in writing prior to convening the hearing, provided that the reasons for the request are outlined with specificity. The granting of a continuance on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints, and any requirements for a local hearing. If a Violation Hearing has been convened, such may be continued beyond 45 days on the motion of the Releasee, the Commission or duly authorized representative of the Commission, provided the record reflects a good cause for such continuance.

(f) Subpoenas and subpoenas duces tecum for the Releasee and the Commission shall be issued by a Commissioner or a duly authorized representative of the Commission on behalf of the State or the Releasee. The Commission, a Commissioner or a duly authorized representative of the Commission will decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or non-probative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

(g) At the hearing, the Releasee may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the Releasee desire, retained counsel may represent the Releasee at the hearing. If the Releasee desires counsel and has not retained one, the following procedure shall apply:

1. The person conducting the hearing shall determine the Releasee's financial ability to retain private counsel. When the person conducting the hearing determines a Releasee has the ability to retain private counsel, reasonable time shall be permitted for the Releasee to secure counsel, if the Releasee so desires.

2. If the person conducting the hearing concludes the Releasee is unable to secure counsel by reason of indigence, the person conducting the hearing shall then proceed to determine if the Releasee is eligible for appointed counsel as provided in the guidelines outlined in Gagnon v. Scarpelli, 411 U.S. 778 (1973). If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(h) During the Violation Hearing, the person conducting the hearing has authority to entertain arguments of counsel or the Releasee. The person conducting the hearing has authority to elect to rule on such matters during the course of the Violation Hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the Violation Hearing.

(i) Based on evidence presented at the Violation Hearing, or received by stipulation, the person conducting the hearing shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the Releasee has committed one or more violations, the Commission shall enter an order revoking the addiction recovery release, restoring the Releasee to supervision or such an order as deemed appropriate. Notification by copy of the Commission order shall be provided to the Releasee. If the decision of the Commission is to revoke, the order entered shall contain the condition(s) that have been violated and the evidence relied upon.

(j) The person conducting the hearing has authority to elect to receive information following the Violation Hearing if the Releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

(k) When a panel of no fewer than two Commissioners revokes addiction recovery release, the Releasee shall be entitled to credit for time spent in custody on the Commission's warrant prior to the Violation Hearing. Time spent in another jurisdiction as a result of intervening sentences shall be considered. Credit for time in custody as decided by the panel shall be reflected in the order of revocation of addiction recovery release.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History--New _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLE:

Line Information Database Maintenance

RULE NO.:

25-4.119

PURPOSE AND EFFECT: This rule will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. This rule will result in more complete and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 364.03 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.119 Line Information Database Maintenance.

Within 6 months of the effective date of this rule, each local exchange telecommunications company shall:

(1) Update the Line Information Database (LIDB) with the account ownership code of the Alternative Local Exchange Company claiming the customer, provided the ALEC has contracted with the local exchange company to provide such information or has purchased the line directly from the local exchange company; and

(2) Provide ALECs access to LIDB, or provide updates on a contractual basis for each ALEC that enters into a contract.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.03 FS. History--New _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLES:

Consumer Information

Service Standards

RULE NOS.:

25-24.830

25-24.840

PURPOSE AND EFFECT: These rules will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. These rules will result in more complete and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.337(5), 364.035, 364.337, 364.345 FS., Ch. 95-403, Section 32, L.O.F.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.830 Consumer Information.

(1) The quality of service information in paragraph (1)(d) of Rule 25-24.825, F.A.C., shall be provided, verbally or in writing, upon request to any person inquiring about the company's basic local exchange telecommunications service. In addition, the above information shall be provided in writing before or in the basic local exchange telecommunications customer's first bill for service. The above information shall be expressed in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure phrases or acronyms must be avoided.

(2) If an ALEC elects not to provide any third-party billing or collect call services to its customers, the ALEC shall so state in its price list and notify customers of such prior to a customer agreeing to obtain local service from the ALEC.

Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403, §32, L.O.F. History—New 12-26-95, Amended.

25-24.840 Service Standards.

(1) Each provider of alternative local exchange telecommunications service shall make access to 9-1-1 emergency services available to each of its basic telecommunications service customers at a level at least equivalent to the service provided by the incumbent local exchange company.

(2) ~~By July 1, 1997,~~ Access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a residential subscriber's local service.

(3) Within 6 months of the effective date of this rule, each Alternative Local Exchange Company shall:

(a) Provide billing name and address information at a reasonable cost and in a timely manner, to any telecommunications company that requests the information unless the ALEC has an active billing and collection agreement.

(b) Populate LIDB with appropriate toll restrictions if the ALEC has not entered into a billing and collection agreement with a company capable of billing telecommunications services.

(c) Update account ownership information and appropriate toll restriction information directly into LIDB or contract with the appropriate local exchange company for daily updates.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.345 FS. History—New 5-6-97, Amended.

**AGENCY FOR HEALTH CARE ADMINISTRATION
State Center for Health Statistics**

RULE TITLES: Reporting and Audit Procedures
General Provisions

RULE NOS.: 59E-7.012
59E-7.016

PURPOSE AND EFFECT: The proposed rule amendments require hospitals with rehabilitation therapy units to report discharge data for inpatient care provided in rehabilitation therapy units in the same manner and format as that required for acute care inpatient discharges beginning with discharges occurring on or after January 1, 2004. The proposed rule amendments delete the general provision restricting the reporting of rehabilitation care data.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to Rule 59E-7.012, F.A.C., that require the reporting of data for rehabilitation therapy unit discharges. The general provision in Rule 59E-7.016, F.A.C., regarding rehabilitation is deleted.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 21, 2002

PLACE: Agency for Health Care Administration, First Floor Conference Room, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.012 Reporting and Audit Procedures.

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

(c) All acute, intensive, rehabilitative therapy unit, and short term psychiatric live discharges and deaths including newborn live discharges and deaths shall be reported.

(d) No change.

(9) through (12) No change.

(13) Reporting of rehabilitation discharges shall commence with discharges occurring January 1, 2004 and thereafter.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2), 408.15(11) FS. History--New 12-15-96, Amended 1-4-20, 7-11-01, _____.

59E-7.016 General Provisions.

Hospitals submitting inpatient data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting:

~~(1) Hospitals are not required nor expected to submit inpatient discharge data on inpatients undergoing rehabilitative therapy if the therapy is not directly related to specific acute care reasons for the hospitalization being reported, (e.g., conduct of initial rehabilitative therapy during the period of the acute care phase of treatment for a broken leg to facilitate inpatient post discharge mobility). Any inpatient who is transferred or discharged from the acute care setting into a strictly rehabilitative therapy mode of treatment, must be dropped from acute care accountability regardless of the category of administrative movement of the inpatient's records. Any rehabilitation other than acute care cause specific treatment of short term duration will be questioned, and will be dropped from the AHCA data base if not acute care therapy in the strictest sense. This definition is applicable regardless of whether an inpatient transfers into a hospital internal rehabilitation therapy unit licensed for that purpose, or into a freestanding unit for continued therapy. A "rule of thumb" definition for application is that if it is not in conjunction with the acute care phase of inpatient treatment in the hospital, it is not applicable as reportable treatment reported as Inpatient Discharge Data as established and required by this rule. See also separate rules regarding Comprehensive Rehabilitation Discharge Inpatient Data Reporting.~~

(1)(2) If inpatients are administratively transferred or formally discharged from the acute care setting or from a rehabilitation therapy unit into a distinct-part Medicare certified skilled nursing unit of a hospital, the acute care provided in the skilled nursing unit shall not be included as part of the inpatient discharge data reported accountability ceases at the time of discharge/transfer, and the inpatient must be carried

~~as a sub-acute care inpatient in other reporting modes. Sub-acute care is not reported as a part of inpatient discharge data.~~

(2)(3) Hospital data processing/MIS personnel must assure that the ~~tape or disk~~ data conforms to specifications in format from subsections 59E-7.014(1), (2) and (3), F.A.C., without any breaks or blocking or other failure in the data processing cycle.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History--New 12-15-96, Amended 7-11-01, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Antiepileptic Drug Program

RULE CHAPTER NO.: 64F-19

RULE TITLES: Definitions

RULE NOS.: 64F-19.001

Procedure

64F-19.002

PURPOSE AND EFFECT: The purpose and effect of the rule development is to revise eligibility criteria for the Antiepileptic Drug Program.

SUBJECT AREA TO BE ADDRESSED: The rule establishes eligibility requirements and a form for the distribution of antiepileptic medication to Florida residents who could not otherwise obtain medication for the control of their seizures.

SPECIFIC AUTHORITY: 385.207 FS.

LAW IMPLEMENTED: 385.207 FS.

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

TIME AND DATE: 9:30 a.m., June 17, 2002

PLACE: Florida Department of Health, 4025 Esplanade Way, Room 220 P, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paula DeBoles-Johnson, Epilepsy Program, HSFCD Bin #A-18, 4052 Bald Cypress Way, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-19.001 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain as evidenced by self-declaration. This definition does not exclude migrant farm workers as defined in Section 381.008(4), F.S., from participation in the Antiepileptic Drug Program.

(2) "Client" refers to a person who has been determined eligible for the Antiepileptic Drug Program and is receiving medications to control seizures through the program.

(3) “Epilepsy Services Program provider” is an agency that under contract with the Department of Health provides services to persons with epilepsy as outlined in Section 385.207, F.S.

(4) “Poverty guidelines” mean the guidelines defined by subsection 64F-16.001(7), F.A.C.

(5) “Self declaration” means a statement regarding assets, income, family size, medical diagnosis, or residency made by a person applying for services. Self-declaration does not include any documentation other than the signature of the person making the statement.

(6) “Valid prescription” means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine and is presented within 12 months of the date the prescription was written, except for controlled substances which must be presented within six months of the date written.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New

64F-19.002 Procedure.

(1) A person wishing to participate in the Antiepileptic Drug Program may apply at any county health department. The applicant will submit to the county health department a valid prescription or a completed Epilepsy Medication Request DH2007 (dated 6/01), incorporated herein by reference. An Epilepsy Medication Request may be obtained from any county health department or Epilepsy Services Program provider. In accordance to the eligibility criteria set forth in this rule, form DH2007 must be completed in its entirety prior to the Department’s acceptance of the applicant into the program.

(2) Clients of Children’s Medical Services who are diagnosed as having epilepsy are automatically eligible for the program.

(3) Additionally, the county health department will accept into the program persons who meet all the following eligibility criteria:

- (a) Have a diagnosis of epilepsy;
- (b) Are a bona fide Florida resident;
- (c) Have no coverage for medication through Medicaid or other health insurance;

(d) Have a gross family income at or below 110 percent of the current federal poverty level guidelines, as defined in subsection 64F-16.001(7), F.A.C.; and

(e) Have no more than \$2,500 per family in private funds, bank accounts or liquid assets not including their homestead or personal vehicle.

(4) The department may establish a limited access program to provide antiepileptic medications not available through the Antiepileptic Drug Program. Persons who are eligible for the Antiepileptic Drug Program and who have a valid prescription may apply to participate in this program as

provided in paragraph one. Antiepileptic medications available through this limited access program may vary and are determined by the Department’s Health State Health Officer or designee. A list of available medications are available through the limited access program is available from the DOH Central Pharmacy. Availability of these medications is limited and is based on need as evidenced by a valid prescription and the availability of funds.

(5) A person who does not meet the eligibility criteria as defined above who is temporarily without financial resources to purchase antiepileptic medication may receive a one month supply of medication once annually.

(6) Every 12 months a client must be determined eligible for the program.

(7) If at any time the client experiences a change in status which could affect his or her eligibility, the client must report this change to the county health department within 30 days.

(8) If a client is determined ineligible for the Antiepileptic Drug Program, the county health department will continue to provide medication through the Antiepileptic Drug Program to the client for up to six months after the determination of ineligibility unless another source for medication is found.

Specific Authority 385.207 FS. Law Implemented 385.207 FS. History—New

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: RULE NO.:

Proof of Ownership and Entitlement to 3D-20.0022
Unclaimed Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation.

SUMMARY: The proposed amendment provides that as an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant may provide the Department with a state’s web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant may provide the Department with the results of either a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has