

# Section I

## Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF INSURANCE

#### RULE TITLE:

Confidentiality of Consumer Personal Financial and Health Information

Pursuant to Section 627.3111, F.S.

#### RULE NO.:

4-128.024

**PURPOSE AND EFFECT:** The proposed rule defines the phrase, "personal financial and health information" as used in §627.3111, F.S., which provides guidelines to protect personal financial and health information of consumers contained in files of the Department. The rule will protect the privacy of consumers.

**SUBJECT AREA TO BE ADDRESSED:** Confidentiality of consumer personal financial and health information.

**SPECIFIC AUTHORITY:** 624.308(1) FS.

**LAW IMPLEMENTED:** 624.307(1), 627.3111 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., July 11, 2002

**PLACE:** Room 601B, 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 AND A COPY OF THE PRELIMINARY DRAFT IS:** Tom Terfinko, Bureau Chief, Bureau of Consumer Assistance, Division of Consumer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0322, (850)413-5702

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

4-128.024 Confidentiality of Personal Financial and Health Information Pursuant to Section 627.3111, F.S.

(1) The phrase, "personal financial and health information" as used in Section 627.3111, Florida Statutes, means any information embodied in print, language, data, diagrams, or pictures in any medium whatsoever which if disclosed would reveal or facilitate discovery of:

(a) Any individual's personal health condition, disease, or injury;

(b) The existence, nature, source, or amount of any individual's personal income;

(c) The existence, nature, source, or amount of any individual's personal expenses;

(d) Records of or relating to any individual's personal financial transactions of any kind;

(e) The existence, identification, nature, or value of any individual's personal assets, liabilities, or net worth;

(f) A history of any individual's personal medical diagnosis or treatment;

(g) The existence or content of any individual coverage or status under any insurance policy or annuity contract;

(h) Any individual's personal contractual rights or obligations;

(i) Numbers used for identification of the any individual or any account in which any individual has a personal financial interest; or

(j) The existence, identification, nature, or value of any individual's beneficial interest in any insurance policy, annuity contract, or trust.

(2) Notwithstanding (1) above, the following are not regarded as "personal financial and health information":

(a) The name of an inquirer or complainant;

(b) The residential address of an inquirer or complainant; or

(c) The name of an insurer that is the subject of a complaint or inquiry.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.3111 FS. History—New

### DEPARTMENT OF INSURANCE

#### RULE TITLES:

Purpose

#### RULE NOS.:

4-149.001

Scope and Applicability

4-149.002

Rate Filing Procedures

4-149.003

**PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED:** Amendments to Rule 4-149 Part I, dealing with filing and approval of health rate filings, address the following:

Implement HB 385, which exempts large group rate schedules from filing and prior approval.

Exempt riders that accelerate the death benefit of a life insurance policy from filing and approval of rates where the coverage is immaterial to the policy coverage.

Amend the scope section to clarify that HMO filings covering small group are subject to the rule.

Allow for streamlined filing of trend for business with less than 1,000 Florida policies in force.

Publish acceptable trend which may be used in lieu of company specific development of trend and for noncredible blocks of business.

Make technical edits that do not change current rule standards.

SPECIFIC AUTHORITY: 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(3), 624.310, 624.404, 626.9521, 626.9541(1)(a),(b),(e), 626.9641, 627.410, 627.410(1),(2),(6),(7), 627.411(1)(e),(2), 627.6515(2)(a), 627.6699, 631.001, 631.011(11) 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., July 9, 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: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 4-149.001 Purpose.

Specific Authority 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS. Law Implemented 624.307(3), 624.310, 624.404, 626.9521, 626.9541(1)(a),(b),(e), 626.9641, 627.410, 627.411(1)(e),(2), 631.001, 631.011(11) FS. History—New 7-1-85, Formerly 4-58.01, 4-58.001, Amended 4-18-94, Repealed.

#### 4-149.002 Scope and Applicability.

(1)(a) Every policy, rider or endorsement form affecting benefits which is submitted for approval shall be submitted in accordance with the provisions of Part II of this rule chapter and shall be accompanied by a rate filing or an actuarial certification that such policy, rider or endorsement form does not require a change in rates. Any subsequent addition to or change in rates applicable to such policy, rider or endorsement form shall also be filed. ~~At such time as Part III of Rule Chapter 4-156 is adopted, this rule will not apply to Medicare Supplement policies, as defined in Rule 4-149.006(4)(i)3.~~

(b) Unless the context specifically states otherwise, this Part I of this rule chapter applies to:

1. through 3. No change.

4. All Group Health Insurance and Health Maintenance Organization contracts insuring the residents of Florida where the master contract is issued to an association group or a group trust, in or outside the State of Florida, and the insurance is provided to the employees of a small employer as defined in Section 627.6699, Florida Statutes.

(c)1. Insurers may make filings that incorporate prospective premium schedule rate changes, as defined in paragraph 4-149.006(4)(m), F.A.C., in which the future change period is up to one year. Examples include increasing the new issue premium by a predetermined amount each month or each quarter, or implementing a rate increase in segments over a one-year period.

2. The renewal premium schedule shall be consistent with any adjustments in the new premium schedule in a predefined and approved fashion.

3. All prospective rate changes or methodologies for rate changes must be approved in their entirety before implementation in accordance with this part.

(2) As required by Section 627.410(7), Florida Statutes, all health insurers shall comply with the annual rate filing requirements in Rule 4-149.007, F.A.C., including for forms subject to subsection (5) below.

(3) Rule Chapter 4-149 does not apply to:

(a) Credit disability insurance as defined in Section 627.677, Florida Statutes;-

(b) Contract forms that are defined by Section 627.601(3), Florida Statutes.

(4) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), Florida Statutes, the prior filing and approval of rate schedules required by Rules 4-149.003 and 4-149.007, F.A.C., shall not apply to the following: Nothing in this part shall be construed as requiring prior approval by the Department of any rate change where such was not otherwise required by rule on October 1, 1993.

(a)1. Annually rated group policies as defined by Rule 4-149.006(4)(b), F.A.C., issued in this state that provide availability of coverage only to groups with 51 or more employees/members.

2. This exemption from the filing and approval of rate schedules does not apply to franchise policies issued pursuant to Section 627.663, Florida Statutes.

(b)1. Forms that provide for the acceleration of death benefits of a life insurance policy if the acceleration of benefits is incidental to the life insurance coverage.

2. The acceleration is considered incidental if the cost of the accelerated benefit is less than 10 percent of the total cost of the life insurance coverage.

(7) Notwithstanding the above, the rating standards contained in this Part I and applicable statutes shall apply to policies exempt from filing and approval pursuant to subsection (6) above.

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 627.410(1),(2),(6),(7), 627.411(1)(e),(2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95, \_\_\_\_\_.

## 4-149.003 Rate Filing Procedures.

(1) through (5) No change.

(6)(a) Insurers with fewer than 1,000 Florida policyholders, or insured group members in the case of group coverage, under any form or pooled group of forms, for medical expense coverage described in Section 627.6561(5)(a)2., Florida Statutes excluding Medicare supplement insurance coverage, may, at their option, file a streamlined rate increase filing not exceeding medical trend as provided in subsection (7) below.

2. The filing shall be made in accordance with this section, and shall provide a certification that the filing includes all similar forms in lieu of the actuarial memorandum referenced in subparagraph 4-149.003(2)(b)3., F.A.C.

(7)(a) Annual medical trend shall not exceed the maximum medical trend in paragraph (c) below unless the company files and adequately justifies a company specific trend pursuant to subparagraph 4-149.006(3)(b)18., F.A.C., using sound actuarial methods.

(b) In determining company specific trend, the company shall use credible data and make appropriate adjustments to claims data to isolate the effects of medical trend only, and not include changes to claim costs by other factors such as changes in demographics, benefits, geographic regions, and reinsurance.

(c) For 2002, maximum medical trend is:

Category	Individual	Group
Major Medical	15%	15%
Health Maintenance Organizations	12%	14.5%
Prescription Drug	N/A	22%
Medicare supplement	5.5%	5.5%

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95 \_\_\_\_\_.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Agricultural Environmental Services

RULE TITLE: Nitrogen Best Management Practices

RULE NO.: 5E-1.023(5)(b)

(BMPs) for Florida "Ridge Citrus"

5E-1.023(5)(b)

PURPOSE AND EFFECT: To implement Section 576.045(6), F.S. The effect is to adopt a specific Best Management Practice.

SUBJECT AREA TO BE ADDRESSED: The purpose of this meeting is to review a draft rule that adopts the Best Management Practices for Florida "Ridge Citrus". This rule establishes record keeping requirements and the procedures for citrus landowners and leaseholders to submit a notice of intent to implement applicable Best Management Practices.

SPECIFIC AUTHORITY: 576.045 FS.

LAW IMPLEMENTED: 576.045(6) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 11:00 a.m., July 8, 2002

PLACE: Lake County Extension Office, Hwy 19, Tavares, FL

TIME AND DATE: 9:00 a.m., July 9, 2002

PLACE: Highlands County Extension Office, US 27, Sebring, FL

TIME AND DATE: 10:00 a.m., July 10, 2002

PLACE: Polk County Extension Office, Hwy 98, Bartow, FL

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth A. Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd, Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

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

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Agricultural Environmental Services

RULE TITLE: Interim Measure for Florida Producers

RULE NO.: 5E-1.023(6)(b)

of Container-Grown Plants

5E-1.023(6)(b)

PURPOSE AND EFFECT: To implement Section 576.045(6), F.S. The effect is to adopt a specific Nitrogen Interim Measure.

SUBJECT MATTER TO BE ADDRESSED: The purpose of this meeting is to review a draft rule that adopts the Interim Measure for Florida Producers of Container-Grown Plants. This rule establishes record keeping requirements and the procedures for nursery owners to submit a Notice of Intent to Implement applicable Interim Measures.

SPECIFIC AUTHORITY: 576.045 FS.

LAW IMPLEMENTED: 576.045 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 7:00 p.m., July 11, 2002

PLACE: UF/IFAS Research and Education Center, Hwy 90, Quincy, FL

TIME AND DATE: 7:00 p.m., July 17, 2002

PLACE: University of Florida Plant Research Facility, Hull Rd., Gainesville, FL

TIME AND DATE: 7:00 p.m., July 18, 2002

PLACE: UF/IFAS Research and Education Center, 2807 Binion Rd., Apopka, FL

TIME AND DATE: 7:00 p.m., July 23, 2002

PLACE: UF/IFAS Extension Office, 18710 S. W. 288 Street, Homestead, FL

TIME AND DATE: 7:00 p.m., July 24, 2002

PLACE: UF/IFAS Extension Office, 2614 S. E. Dixie Hwy, Stuart, FL

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 PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Kenneth A. Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd, Suite 200, Tallahassee, FL 32301, (850)488-6349, Fax (850)921-2153

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

## DEPARTMENT OF COMMUNITY AFFAIRS

### Division of Community Planning

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Governing the Procedure for Submittal and Review of Local Government Comprehensive Plans and Amendments	9J-11
RULE TITLES:	RULE NOS.:
Purpose	9J-11.001
Submittal Requirements for Proposed Local Government Comprehensive Plans	9J-11.004
Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments	9J-11.006
Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment	9J-11.009
Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment	9J-11.010
Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review	9J-11.011
Compliance Review and Notice of Intent	9J-11.012
Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department	9J-11.0131
Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments	9J-11.018
Action to Require Local Government to Submit Land Development Regulations for Review	9J-11.019

Action to Review Land Development

Regulations 9J-11.020

Submittal Requirements for Public Schools

Interlocal Agreement and Amended

Agreements 9J-11.022

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revision of Chapter 9J-11, F.A.C., pertaining to the evaluation and appraisal report submittal and review requirements. The requirements pertaining to the submittal, action upon receipt, review and notice requirements for public school interlocal agreements.

SPECIFIC AUTHORITY: 120.53(1)(b), 163.3177(8),(9),(10), 163.3177, 163.3184(1),(3),(16), 163.3187, 163.3191(12), 163.3202 FS.

LAW IMPLEMENTED: 163.3167, 163.3167(2),(3), 163.3171, 163.3174, 163.3177, 163.3177(1),(4),(7),(9), (10),(14), (15),(16), 163.3177, 163.3178, 163.3181, 163.3184, 163.3184(1),(2),(3), (4),(5),(6),(7),(8),(9), (10),(14),(15),(16), 163.3187, 163.3187(1),(2),(5),(6), 163.3189, 163.3191, 163.3202, 380.06(6) FS.

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

TIME AND DATE: 9:00 a.m., July 1, 2002

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or (850)922-1767, SUNCOM 292-1967 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-11.001 Purpose.

This Chapter establishes procedures for the submittal and review of local government comprehensive plans, plan amendments, land development regulations and evaluation and appraisal reports pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. It specifies the documents and information to be submitted for review at the time plans, plan amendments, land development regulations, and evaluation and appraisal reports, and public schools interlocal agreements are submitted to the Department for review. It describes the actions the Department takes upon receipt of the submitted documents and information, or when a plan or element or evaluation and appraisal report or public schools interlocal agreement is not submitted. It also describes the procedures the Department follows for review of plans and plan amendments and procedures for the issuance of a notice of intent and sufficiency finding for an evaluation and appraisal report and consistency finding for a public schools interlocal agreement.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3177, 163.3181, 163.3184, 163.3187, 163.3191 FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 1-8-01, \_\_\_\_\_.

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

(1) No change.

(2) The local government shall submit three copies of a~~All~~ comprehensive plan materials, including graphic and textual materials and support documents ~~shall be submitted~~ directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (b) No change.

(c) ~~Ten copies of~~ The comprehensive plan including goals, objectives, policies, maps, and support documents which include data and analyses specified in Rule 9J-5.005 and subsection 9J-5.021(4), Florida Administrative Code. Summaries of support documents may be submitted consistent with subsection Rule 9J-5.005(2), Florida Administrative Code;

(d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1),(4)(b),(7),(9), 163.3184(2),(3),(14),(15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, \_\_\_\_\_.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) The local government shall submit three copies of ~~e~~Each proposed amendment including applicable supporting documents which include data and analyses ~~shall be submitted~~ directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy ~~sent~~ directly to the appropriate ~~regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection agencies listed in subsection 9J-11.009(6), Florida Administrative Code~~. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph Rule 9J-11.006(1)(a)7., Florida Administrative Code, below, shall be consolidated into a single submission for each of the two plan amendments adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, Florida Statutes, shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, Florida Administrative Code, must be followed.

For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 1. No change.

2. The date or dates on which the local governing body held the public hearing at which the transmittal of the plan amendment to the Department was approved and the date that the proposed amendment and one copy of each item specified under paragraphs Rules 9J-11.006(1)(a), (b), (c) and (d), Florida Administrative Code, was submitted to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code ~~regional planning council and water management district(s), and Department of Transportation and Department of Environmental Protection~~;

3. A summary of the plan amendment content and effect and whether ~~or not~~ the local government requests that the Department review the proposed amendment;

4. through 7.m. No change.

n. Directly related to providing transportation improvements as provided for in Subsection 163.3187(1)(k), Florida Statutes;

o. An amendment adopting a public educational facilities element pursuant to Subsections 163.3177(5) and 163.3187(1)(k), Florida Statutes;

p. An amendment to the future land use map identifying school sites pursuant to Subsections 163.3177(6)(a) and 163.3187(1)(l), Florida Statutes;

q. An amendment to the Intergovernmental Coordination Element pursuant to Subsection 163.3177(6)(h)4.b., Florida Statutes;

r. An amendment adopting a boating facility siting plan or policy pursuant to Subsection 380.06(24)(k)1., Florida Statutes.

8. Whether the local government has sent a copy of its complete adopted comprehensive plan including amendments with all support documents which includes data and analyses to all of the review agencies listed in subsection Rules 9J-11.009(6)(8)(a) through (h), Florida Administrative Code. If the plan amendment is being submitted pursuant to Section 163.3191, Florida Statutes, verify that copies of the Evaluation and Appraisal Report have been submitted to agencies listed in subsection 9J-11.009(6), Florida Administrative Code. The Department will not process a proposed amendment and the review time for the amendment shall not begin if copies of the entire element being amended are not transmitted unless the local government has provided the Department with a transmittal letter certifying that the plan and Evaluation and Appraisal Report, if applicable, has been sent to the review agencies, with a copy of the letter sent to each agency;

9. No change.

10. The name, title, address, telephone number, and facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the proposed amendment(s) and is responsible for ensuring that the materials transmitted are complete.

(b) ~~The local government shall submit to the Department a total of six copies of the proposed amendment package. The proposed amendment package shall include all proposed text, maps and support documents which includes data and analyses, as reflected on new pages of the affected element in a strike through and underline format or similar easily identifiable format identifying the plan amendment number on each page affected. These number and format requirements also apply to development of regional impact amendments, small scale amendments, emergency amendments, amendments pursuant to a joint planning agreement, amendments that are the result of a compliance agreement, or amendments for the location of a state correctional facility.~~ In the case of future land use plan map amendments, the following additional information must be provided:

1. through 5. No change.

(c) ~~Six~~ Copies of staff, local planning agency and local governing body recommendations and ~~six~~ copies of support document(s) or summaries of the support documents on which the recommendations regarding the proposed plan amendment(s) are based;

(2) Any plan amendment which is not identified as an exemption listed in subparagraph 9J-11.006(1)(a)7., Florida Administrative Code as directly related to a development of regional impact, including substantial deviations and Florida Quality Developments, a proposed small scale development, a compliance agreement, an intergovernmental coordination element revision to adopt changes pursuant to Subsection 163.3177(6)(h)1.a., b., c. and d., Florida Statutes, an emergency, or the location of a state correctional facility, will be considered to be an amendment submitted for one of the two

times per calendar year that plan amendments may be adopted. This provision is not to preclude the allowed exemptions from being included in the consolidated single submission for each of the two plan amendment adoption times during the calendar year. All exemptions must be clearly identified.

(3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) The Department shall review the material submitted to ensure completeness. The Department's determination that the package is complete will occur within five working days from receipt of the proposed amendment package. The Department's completeness determination date is the date the Department determines that the package is complete.

(a) When a proposed plan amendment submittal package does not include all the information required by Rule 9J-11.006, Florida Administrative Code, the Department will send a notice to the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection within five working days of receipt of the proposed plan amendment. The Department's notice will identify the additional information required.

(b) The proposed plan amendment will not be processed for review until three ~~six~~ copies of the required information is received by the Department ~~to distribute for review~~ with a written statement by the local government that copies of the additional information have also been submitted to the review agencies listed in subsection 9J-11.009(6), Florida Administrative Code appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection. The time period to determine whether a review will be done as specified in Subsections 163.3184(6)(a) and (b), Florida Statutes, will not commence until all required information is transmitted by the local governing body to the Department with a written statement by the local government that it has also transmitted the necessary information to the other agencies.

(2) When a proposed plan amendment submittal package includes all the information required by section Rule 9J-11.006, Florida Administrative Code, the Department will send a notice to the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection within five working days of receipt of the complete proposed amendment submittal package. The notice to review agencies shall include the date that their

comments are due to the Department pursuant to Subsection 163.3184(4), Florida Statutes, and this comment due date shall be based upon the completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. The time period to determine whether a review will be done as specified in Subsections 163.3184(6)(a) and (b), Florida Statutes, will begin upon the transmittal by the local governing body to the Department, of a complete amendment submittal package. The transmittal date shall be the United States Mail postmark or other similar official transmittal date of the mail company. Hand delivered documents shall be considered transmitted on the date of receipt by the Division of Community Planning.

(3) If the local government requests a review of the amendment in its transmittal letter, the Department will initiate its review after determination by the Department that the submitted package is complete pursuant to subsection 9J-11.006(1), Florida Administrative Code proceed with the steps set out in Rule 9J-11.009(7), Florida Administrative Code, and will notify the appropriate regional planning council, water management district(s), Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of an affirmative decision to proceed with the review.

(4) If the local government has not requested a review of the amendment in its transmittal letter, the Department receives a request to review from the appropriate regional planning council or an affected person (within 30 days of transmittal of the proposed amendment) or the Department elects to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision to review within 35 days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person, as defined in Subsection 163.3184(1)(a), Florida Statutes. The Department may reject a request to review by an individual if it determines there are insufficient facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. will request that the appropriate water management district(s), Department of Transportation and Department of Environmental Protection transmit a recommendation and the basis for the recommendation to the Department, as to whether the Department should review the proposed amendment, within 21 days after transmittal of the complete proposed amendment package by the local governing body. The Department will notify the local government, the appropriate regional planning council, water management district(s), the Department of Environmental Protection, and Department of Transportation and any other person who has

requested notice of an affirmative decision by the Department to review the amendment within 30 days of transmittal of the complete proposed amendment by the local governing body to the Department. If the Department decides to review the amendment, it will proceed with the steps set out in Rule 9J-11.009(7), Florida Administrative Code.

(5) If no requests are received to review the proposed amendment and the Department elects not to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision not to review within 35 days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. Upon receipt of the notification of the decision not to review, the local government may proceed to adopt the amendment. The appropriate regional planning council, an affected person, or the local government can request a review by submitting a written request to the Department with a notice to the local government, and any other person who has requested notice, within 30 days after transmittal of the complete amendment package by the local governing body to the Department. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person pursuant to Paragraph 163.3184(1)(a), Florida Statutes. The Department may reject a request to review by an individual if it determines there are insufficient or contrary facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The Department will notify the local government, the appropriate regional planning council, water management district(s), Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of the decision to review the amendment. If an affirmative decision is made to review the amendment, the Department will proceed with the review steps set out in Rule 9J-11.009(7), Florida Administrative Code.

(6) If review is not requested by the local government, the regional planning council, or any affected person and if the Department decides not to review, the Department will notify the local government, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection. Upon receipt of the notification of the decision not to review, the local government may proceed immediately to adopt the amendment.

(7) The review of a proposed plan amendment may begin at one of four times. First, when the local government requests a review of a proposed plan amendment in the transmittal letter, the Department shall initiate the review within five working days of determining that a review of an amendment

~~will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Second, if the local government does not request a review of the amendment in the transmittal letter and the Department decides to review the entire amendment package, the Department shall initiate the review within five working days of determining that a review of the entire amendment package will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Third, when either the regional planning council, an affected person or the local government subsequent to the transmittal letter requests a review of the entire amendment package, the Department shall initiate the review within five working days of determining that a review of the entire amendment package will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Fourth, when either the Department, the regional planning council, an affected person, or the local government subsequent to the transmittal letter requests a review of a portion of the proposed amendment package, the Department shall initiate the review and the amendments subject to the review shall be sent to the other review agencies as indicated below within five working days of determining that a review of a portion of the amendment package will be conducted. In case of a transmitted plan amendment which contains multiple, individual amendments which can be clearly and legally separated and distinguished for the purpose of determining whether to do a review of the proposed amendment, the Department may separate out these individual amendments for the purpose of proceeding with a review or notifying the local government that it may proceed to adopt designated individual amendments. The other review agencies may include:~~

- ~~(a) the appropriate county land planning agency;~~
- ~~(b) Florida Department of State;~~
- ~~(c) Florida Fish and Wildlife Conservation Commission;~~
- ~~and~~
- ~~(d) Florida Department of Agriculture and Consumer Services, Division of Forestry.~~

~~(6)(8) Within five working days of receipt of the complete submittal package, in the case of the adoption of a plan for a newly created jurisdiction identified by the legislature as having to adopt a plan, the local government Department shall transmit three copies of plans, parts of plans, or plan amendments to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:~~

- ~~(a) The appropriate regional planning council agency;~~
- ~~(b) The appropriate county (municipal plans only) land planning agency;~~
- ~~(c) The Department of Environmental Protection;~~
- ~~(d) The Department of Transportation;~~

- ~~(e) The appropriate water management district(s);~~
- ~~(f) Florida Department of State;~~
- ~~(g) Florida Fish and Wildlife Conservation Commission (county plans only); and~~
- ~~(h) The Department of Agriculture and Consumer Services, Division of Forestry (county plans only) and;~~
- (i) Office of Educational Facilities of Commissioner of Education (if related to the public educational facilities element pursuant to Section 163.31776, Florida Statutes).

~~(7)(9) In cases where a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment and as referenced in Section (7) above, by which the Department pursuant to Section 9J-11.010, Florida Administrative Code, elects to reviews several of the amendments pursuant to Section 163.3184(3)(d), Florida Statutes, and the local government chooses to immediately adopt the remaining amendments not reviewed by the Department, the amendments immediately adopted and any amendments reviewed by the Department which the local government subsequently adopts shall together constitute one amendment cycle for purposes of meeting the twice yearly amendment mandates of Section 163.3187(1), Florida Statutes.~~

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01 \_\_\_\_\_.

#### 9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) If the review is for a plan or if a decision has been made to review a plan amendment under Rule 9J-11.009, Florida Administrative Code, the Department shall review each comprehensive plan or amendment to determine whether it is consistent with the requirements of Sections 163.3177, 163.31776, 163.3178, 163.3180, 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes, Chapter 9J-5, Florida Administrative Code, the State Comprehensive Plan and the appropriate strategic regional policy plan.

(2) No change.

(3) The Department, within 60 ~~30 calendar~~ days of the Department's completeness determination date as provided for in subsection 9J-11.009(1) after the deadline for receipt of written responses from the appropriate reviewing agencies listed in Rule 9J-11.009(3) and 9J-11.009(8), Florida Administrative Code, the Director, Division of Community Planning, or the Director's designee shall send the Department's ~~its~~ objections, recommendations and comments report to the local governing body. For the information of the local government, the Department will attach a copy of the written responses received from the reviewing agencies. The Department will send a copy of its objections, recommendations and comments report to the appropriate



review agencies specified in subsections Rules 9J-11.009(7), 9J-11.009(6)(8) and 9J-11.010(5), Florida Administrative Code.

(4) through (6) No change.

(7) For plan amendments, the agencies listed in subsection 9J-11.009(6), Florida Administrative Code, appropriate regional planning council, water management district(s), Department of Transportation, Department of Environmental Protection and the public are required by Section 163.3184(4), Florida Statutes, to provide a written response to the Department within 30 calendar days as specified in subsection 9J-11.009(2) from initiation of the review of the proposed amendment. The initiation of the review period shall be based upon the estimated receipt date of the complete amendment by other review agencies as named in Rule 9J-11.009(7), Florida Administrative Code. This time period is established under Rule 9J-11.010(8), Florida Administrative Code, and will be provided to the above noted agencies by the Department's notice under Rule 9J-11.009(3), (4) or (5), Florida Administrative Code. Such response must be signed by an agency head or authorized individual(s). The written response shall be addressed to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(8) The review agencies and local governments pursuant to Rule 9J-11.009(7) or (8), Florida Administrative Code, as applicable, are required to provide pursuant to Section 163.3184(4), Florida Statutes, a written response to the Department. Such response must be signed by an agency head or authorized individual(s). The written response shall be addressed to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The date the agencies and governments receive the plan, element or amendments shall be deemed to be the fifth calendar day after the day the Department mails the plan, element or amendments. The Department shall calculate the response deadlines for the agencies and governments from this estimated receipt date.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99 \_\_\_\_\_.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (2) No change.

(3) In the case of a comprehensive plan submitted pursuant to Subsection 163.3167(2), Florida Statutes, the local government shall have 120 calendar days to adopt, or adopt with changes, the proposed comprehensive plan after the receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes. In the case of a proposed amendment other than those submitted pursuant to Section

163.3191<sup>187</sup>, Florida Statutes, the local government has 60 calendar days to adopt, adopt with changes, or not adopt the proposed amendment after receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes. In the case of a plan amendment submitted pursuant to Section 163.3191, Florida Statutes, the local government shall have 120 calendar days to adopt, adopt with changes, or not adopt the proposed amendment after receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes.

(4) No change.

(5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, including graphic and textual materials and support documents shall be submitted directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) The local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government specifying the following:

1. The newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(e), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant Subsection 163.3184(8)(b), Florida Statutes;

2. The adoption ordinance number(s) and adoption date of the plan or amendment package;

3. Certification that the adopted amendment, including data and analysis, has been sent to the appropriate agencies listed in subsection 9J-11.009(6), Florida Statutes;

4. If the plan amendment is unchanged and was not subject to review or objections, a statement requesting expedited publication of notice of intent. The transmittal letter shall include the following language: The comprehensive plan amendment package was adopted without revision from the proposed amendment package and no objections were raised by an affected party, the amendment was not reviewed by the Department or if reviewed no objections were raised. Based upon these facts, we request expedited publication of a Notice of Intent pursuant to Section 163.3184(8), Florida Statutes.

5. A summary of the package which shall include:

a. A listing of additional changes made in the adopted plan or amendment which were not previously reviewed by the Department. This listing shall include the identification of the

specific portions that were changed with reference to appropriate pages. New text in the plan or amendment should be underlined and items deleted should be stricken through.

b. A listing of findings of the local governing body, if any, which were not included in the adoption ordinance and which provided the basis of the adoption of a proposed plan or plan amendment or the determination not to adopt the proposed plan amendment.

c. A statement indicating the relationship of the additional changes not previously reviewed by the Department to the objections, recommendations and comments report.

d. A listing of proposed amendments previously reviewed by the Department in the current cycle of amendments which were not adopted by the local government.

6. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the adopted amendment(s) and is responsible for ensuring that the materials transmitted are complete.

(b) The adopted amendment package shall included the following:

1. All the adopted text in strike-through and underline format or similar easily identifiable format identifying the new text that has been adopted;

2. In the case of a future land use map plan amendment, the adopted future land use map reflecting the changes made when adopted. The map amendments shall be submitted on maps that indicate the ordinance number and date of each amendment update. Also, it is not mandatory that completely reprinted future conditions maps be provided unless major, jurisdiction-wide changes are made. Appropriately labeled and cross-referenced maps may be acceptable;

3. A copy of the executed ordinance adopting the comprehensive plan or amendment(s);

4. A copy of the sign-in forms which legibly indicate the name and address of individuals who expressed a desire to receive a courtesy information statement at the proposed and adoption hearings pursuant to Subsection 163.3184(15)(c), Florida Statutes. In the event no individuals sign up to receive a courtesy information statement, indicate on the sign-in form that no requests were made and include the form in the transmittal package;

5. Data and analysis. Each adopted plan or plan amendment must be supported by data and analysis in accordance with subsection 9J-5.005(2), Florida Administrative Code. If the original data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to paragraphs 9J-11.004(2)(c) and 9J-11.006(1)(b) or Rule 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis

must reflect the best available data and analysis at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the material.

6. Copies of the comprehensive plan pages that contain the newly adopted comprehensive plan amendments replacing the existing comprehensive plan pages in a manner that will update the plan and incorporate all plan amendments. To avoid reprinting all pages in the plan, it is permissible to number pages that contain additions or deletions to be inserted in the plan with the appropriate page number followed by decimals or some other equivalent sub-numbering system. These pages shall include the amendment ordinance number and adoption dates.

7. A new cumulative table of contents that includes all comprehensive plan amendments shall be submitted with each plan amendment package, and it shall indicate the revision date and ordinance numbers. The table of contents page(s) shall include the most recent amendment date.

~~Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to Subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, adoption date and plan amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with Rule 9J-5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to Rules 9J-11.004(2)(c), 9J-11.006(1)(b) or 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best data available at the time the adopted~~

amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:

(a) A listing of additional changes made in the adopted plan or amendment which were not previously reviewed by the Department. This listing shall include the identification of the specific portions that were changed with reference to appropriate pages. If possible, new text in the plan should be underlined and items deleted should be struck through.

(b) A listing of findings of the local governing body, if any, which were not included in the ordinance and which provided the basis of the adoption of a proposed plan or plan amendment or the determination not to adopt the proposed plan amendment.

(c) A statement indicating the relationship of the additional changes not previously reviewed by the Department to the objections, recommendations, and comments report from the Department.

(d) A listing of proposed amendments previously reviewed by the Department in the current cycle of amendments which were not adopted by the local government.

(e) The local government shall submit copies of the comprehensive plan pages that contain the newly adopted comprehensive plan amendments and are to replace the existing comprehensive plan pages in a manner that will update the plan and incorporates all plan amendments. To avoid reprinting all pages in the plan, it is permissible to number pages that contain additions or deletions to be inserted in the

plan with the appropriate page number followed by decimals or some other equivalent subnumbering system. These pages shall include the amendment ordinance number and adoption date.

(f) A new cumulative table of contents that includes all comprehensive plan amendments shall be submitted with each plan amendment package, and it shall indicate the revision date and ordinance numbers. The table of contents page(s) shall include the most recent amendment date.

(g) Map amendments shall be submitted on maps that indicate the ordinance number and date of each amendment update. Also it is not mandatory that completely reprinted future conditions maps be provided unless major, jurisdiction-wide changes are made. Appropriately labeled and cross-referenced insert maps may be acceptable.

(6) through (10) No change.

Specific Authority 163.3177(9) FS, Law Implemented 163.3167(3), 163.3177(9), 163.3184(1)(b),(2),(6),(7),(15),(16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS, History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01,\_\_\_\_\_.

9J-11.012 Compliance Review and Notice of Intent.

(1) Upon receipt of the adopted plan or amendment, the Department shall send a letter acknowledging receipt and requesting any missing documentation. Upon receipt of the complete plan or amendment package pursuant to subsection Rule 9J-11.011(5), Florida Administrative Code, the Department shall review the plan or amendment to determine compliance and shall issue a Notice of Intent to find the plan or amendment.

(a) In compliance within 20 calendar days after receipt of the complete adopted amendment, if the adopted transmittal letter correctly states that the plan amendment is unchanged and was not subject of review or objections pursuant to Subsection 163.3184(7)(b), Florida Statutes, or;

(b) In compliance or not in compliance within 45 calendar days after receipt of the complete adopted amendment, unless the amendment is the result of a compliance agreement entered into pursuant to Section 163.3184(16), Florida Statutes, in which case the time period for review and determination is 30 days. The review period shall run from the determination of completeness pursuant to subsection 9J-11.012(1), Florida Administrative Code receipt of all documentation. If the Department did not, and was not, requested to review the proposed plan or plan amendment, the Department's review must be based solely on the adopted plan or plan amendment.

(2) The Department will publish a Notice of Intent in a newspaper of general circulation in the local government's jurisdiction from which the plan or element originates in the manner required by subsection 163.3184(8)(c)(b), Florida Statutes, and will include, but not be limited to, the following information:

(a) through (e) No change.

(3) A copy of the Notice of Intent will be mailed to the local government, the review agencies listed in subsection Rule 9J-11.009(6)(8), Florida Administrative Code, and to persons who request a copy of the notice. Requests for a copy of a Notice of Intent shall be in writing and shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and shall specify the plan or amendment by the name of the local government and by ordinance number or other formal designation.

(4) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection Rule 9J-11.012(1), Florida Administrative Code, the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, 163.31776 when local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191 and 163.3245, Florida Statutes, the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, Florida Administrative Code, and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8),(9),(10) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01,\_\_\_\_\_.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) No change.

(2) The local government shall hold a single adoption public hearing pursuant to the following requirements:

(a) through (b) No change.

(c) The public hearing advertisement shall be published in a newspaper of general circulation in the local government jurisdiction. The advertisement shall meet the requirements of Subsection 163.3184(15)(~~e~~)(~~e~~), Florida Statutes.

(3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History—New 11-10-93, Amended 11-6-96, 4-8-99,\_\_\_\_\_.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) PURPOSE AND INTENT. The procedures and criteria in this section shall guide the preparation, transmittal, adoption and sufficiency review of local government comprehensive plan evaluation and appraisal reports and evaluation and appraisal report-based plan amendments submitted pursuant to Section 163.3191, Florida Statutes, Subsection 163.3184(5), Florida Statutes, and Chapters 9J-5 and 9J-33, Florida Administrative Code.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review and adoption, and contemporaneously send a copy to the Department and each review agency as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code Rules. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (c) No change.

(d) The appropriate reviewing agencies as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code, must provide written comments to the Department within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), Florida Statutes.

(e) No change.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report to the Department. If a proposed report was provided, the local government shall

provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), Florida Statutes, the local government shall provide a copy of the report to all reviewing agencies as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code, including adjacent local governments.

(b) through (d) No change.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) through (c) No change.

(d) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in Subsections Sections 163.3187(1)(b) or (h), Florida Statutes, until such time as the local governing body adopts and submits an evaluation and appraisal report to the Department.

(e) through (f) No change.

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

(a) through (b) No change.

Specific Authority 163.3177(9), 163.3191(12) FS. Law Implemented 163.3187(6), 163.3191 FS. History—New 11-6-96, Amended 4-8-99.

9J-11.019 Action to Require Local Government to Submit Land Development Regulations for Review.

(1) The Department may ~~shall not~~ require a local government to submit one or more land development regulations for review if unless it has reasonable grounds to believe that the local government has completely failed to adopt one or more of the regulations required by Section Subsection 163.3202(2) or Subsection 163.3202(6), Florida Statutes.

(2) through (5) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History—New 11-6-96, Amended 4-8-99.

9J-11.020 Action to Review Land Development Regulations.

(1) The Department shall have 30 calendar days from receipt of the local government's land development regulations to determine whether the local government has completely failed to adopt the regulations required by Section Subsection 163.3202(2) or Subsection 163.3202(6), Florida Statutes. The Department shall consult with appropriate local government officials during this period to assure that the local government has opportunities to discuss any of the regulations in question.

(2) through (4) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History—New 11-6-96, Amended.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

(1) PURPOSE AND INTENT. This section shall guide the preparation, transmittal, adoption and consistency review of public schools interlocal agreement submitted pursuant to Section 163.31777, Florida Statutes.

(2) SUBMITTAL REQUIREMENTS FOR PUBLIC SCHOOLS INTERLOCAL AGREEMENT AND AMENDED AGREEMENTS.

(a) The county and municipalities located within the geographic area of a school district must submit the interlocal agreement required by Section 163.31777, Florida Statutes, in accordance with the submission schedule published by the state planning agency. A draft proposed interlocal agreement may be submitted to the Department for informal review. If the local government elects not to submit a proposed interlocal agreement to the Department for informal review, the Department shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and district school board of the upcoming deadline and the potential for sanctions.

(b) The local government shall submit three copies of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and one copy to the SMART Schools Clearinghouse.

(c) For each executed interlocal agreement or amended agreement submittal package, the local governing body shall submit:

1. A transmittal letter from the local government or its designee which shall specify the following:

a. The date the interlocal agreement or amended agreement was executed;

b. The parties executing the agreement;

c. A summary of any waivers which have been granted by the Department pursuant to Subsection 163.31777(1)(c), Florida Statutes;

d. Certification that the interlocal agreement or amended agreement has been sent to the Office of Educational Facilities and the SMART Schools Clearinghouse.

e. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the local government official or authorized agent who is familiar with the interlocal agreement or amended agreement and is responsible for ensuring that the materials transmitted are complete.

2. A copy of the executed interlocal agreement or amended agreement.

(d) Amendments to the public schools interlocal agreements shall be submitted pursuant to this section, and shall be transmitted to the Department within 30 days of the amended agreement's execution date.

(3) ACTION UPON NON-RECEIPT OF PUBLIC SCHOOL INTERLOCAL AGREEMENT OR AMENDED AGREEMENT.

If the local government's executed interlocal agreement is not timely submitted to the Department for review, the Department shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the Department.

(4) ACTION UPON RECEIPT OF PUBLIC SCHOOLS INTERLOCAL AGREEMENT OR AMENDED AGREEMENT.

(a) The Department shall review the material submitted to ensure that all the applicable materials are included in the submittal package submitted for review. The Department will send a notification to the local government upon submission of a complete submittal.

(b) If the interlocal agreement or amended agreement submittal package does not include the required information listed in subsection 9J-11.022(2), Florida Administrative Code, the Department will immediately notify the local government of the deficient items.

(c) The Office of Educational Facilities and SMART Schools Clearinghouse shall submit any comments or concerns regarding the executed interlocal agreement or amended agreement to the Department within 30 days after receipt of the executed interlocal agreement or amended agreement.

(d) The Department shall review the executed interlocal agreement or amended agreement to determine whether it is consistent with the requirements of Subsection 163.3177(2), Florida Statutes, the adopted local government comprehensive plan and other requirements of law. Within 60 days after receipt, the Department shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the Department's internet site stating whether the interlocal agreement or amended agreement is consistent or inconsistent.

(e) The Department's notice is subject to challenge under Chapter 120, Florida Statutes; however, an affected person, as defined by Subsection 163.3184(1)(a), Florida Statutes, has standing to initiate the administrative proceeding.

(f) If the Department enters a final order finding that the executed interlocal agreement or amended agreement is inconsistent with the requirements of Subsection 163.3177(2), Florida Statutes, the Department shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to Subsection 163.3184(11), Florida Statutes and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an

equivalent amount of funds for school construction available pursuant to Sections 235.187, 235.216, 235.2195 and 235.42, Florida Statutes.

Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

Inmate Bank Trust Fund 33-203.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for handling inmate funds.

SUBJECT AREA TO BE ADDRESSED: Inmate bank trust fund.

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, Chapter 717, 944.09, 944.516, 945.091, 945.215 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 IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Bank Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) Inmates may establish a demand deposit account, hereinafter referred to as ~~an inmate bank checking~~ account, through the Inmate Bank Trust Fund at ~~work release institutions, community facilities and service centers and the Bureau of Finance and Accounting, Inmate Bank Section~~. If an inmate establishes ~~an inmate bank checking~~ account through the Inmate Bank Trust Fund, such funds shall not accrue interest to him.

(b) In the case of probation and restitution center offenders who violate the conditions of probation and owe fees for room and board, a staff member of the probation and restitution center may file a claim for a cost judgment in conjunction with the violation report. The staff member shall file with the ~~Office of the General Counsel Bureau of Sentence Structure and Transportation~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate

court, together with a cover letter stating the date and amount of the judgment, money order or sanction, or the balance remaining if less than the face amount thereof.

(c) through (f) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash allowed) that are mailed to the Bureau of Finance and Accounting, Inmate Bank Section, a service center for an inmate shall be initially deposited in the Inmate Bank Trust Fund. Funds must be mailed with the completed deposit form and made payable to the Inmate Bank Trust Fund and include the inmate's name and DC number. Funds will become available for the inmate's use within ten working days after receipt by the Bureau of Finance and Accounting, Inmate Bank Section, in Tallahassee. Every effort shall be made to have funds available sooner. Any money order, cashiers check, or certified bank draft in the amount of \$1,000 or higher posted to an inmate's account will have a ten day hold placed on the funds. After ten days the funds will be available for the inmate's use. Deposits mailed to institutional or other department addresses other than the Bureau of Finance and Accounting, Inmate Bank Section service centers will be returned to the sender forwarded to the service center, but this process will result in delay in deposit of the funds. In order to deposit the funds the sender shall ~~must~~ complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. ~~A copy of T~~his form may be obtained from any institution, facility, ~~service center~~, or by requesting in writing from the Bureau of Finance and Accounting, Inmate Bank Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100, or the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is May 7, 2000. Other items found in the incoming mail will be returned to the sender and will not be forwarded to the inmate. The sender can also transmit funds using Western Union's "Quick Collect Program." To utilize this process, the sender must complete a quick collect form at a Western Union agent, include the required information, and pay the transaction fee. The sender can also transmit funds via Western Union using a credit card, by telephone, or by visiting their website at www.westernunion.com. The funds will be sent via electronic funds transfer (EFT) and will usually be available for the inmate's use within one to three working days.

(b) Deposits sent by mail are processed using an advanced high-speed processing machine which requires the use of the deposit form; the form should not be photocopied. Attempts will be made to process deposits sent without the accompanying form, but the absence of the form could cause a delay of up to 30 days to process may result in delays. If staff are unable to determine to which inmate the money is being sent, the money will be returned to the sender with a request for additional information necessary to process the deposit. If

staff are unable to determine to which inmate the money is being sent and are unable to return the money because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or receiving inmate is identified. If the inmate remains unidentified for 5 years the funds shall escheat to the state as unclaimed funds held by fiduciaries in accordance with Chapter 717, F.S.

(c) An inmate may, however, withdraw his funds from the Inmate Bank Trust Fund for deposit into a savings account or similar interest bearing account with a private financial institution. If an inmate does not wish his monies to be deposited into the Inmate Bank Trust Fund, he must advise the donor of the funds to send them directly to the savings institution of his choice. This option shall not be available when an inmate is on work release or a similar paid work program. In this case, the provisions of Rule 33-601.602, F.A.C., disbursement of earnings, shall apply. All inmates on work release shall submit their full pay for deposit in the Inmate Bank Trust Fund so that subsistence and transportation costs, restitution, 10% savings hold, and court ordered payments, if applicable, may be deducted. In the case of inmates who are paid via EFT, the funds will be deposited into the inmate bank trust fund and the same provisions of Rule 33-601.602, F.A.C., shall apply. The inmate may transfer any excess funds to a private account as defined in paragraph (1)(b) in accordance with the personalized program plan.

(3) Inmates with sufficient balances in their individual inmate bank trust fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution's canteen for personal use. Inmates on work release extended limits of confinement with sufficient balances in their individual inmate bank trust fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 of up to \$45 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Special Withdrawal Form. Form DC2-304 is hereby incorporated by reference. ~~A copy of T~~his form may be obtained from any institution or facility or from the Financial Services Center, 1711 Mahan Drive, Tallahassee, Florida 32308 or from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a stamped, self-addressed envelope.~~ The effective date of this form is May 7, 2000. If the inmate's identity is verified approved by designated institution or facility staff, these funds shall be paid to the inmate or his designated payee within 30 40 days after receipt of the written request for withdrawal. This maximum time limitation shall not delay the weekly canteen limit or draw process which is usually accomplished in a shorter period of time. If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate's name, the check drawn upon the inmate bank trust fund shall

be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the banking fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

~~(4) Staff supervising inmates on extended limits of confinement shall require that a return receipt be attached to the Special Withdrawal Form as verification that the inmate used the funds provided for the items requested. Each facility which houses inmates on work release extended limits of confinement shall establish an inmate check cashing procedure with a local bank, business or other reputable establishment so that inmates can cash checks authorized by the facility or the Bureau of Finance and Accounting, Inmate Bank Section service center. Under no circumstances shall an employee countersign or endorse an inmate's check for the purpose of cashing such check.~~

~~(5) When an inmate is transferred from one Department of Corrections facility to another which is under the authority of another service center, his trust funds shall be transferred to the new service center within 10 days after the transfer. If it is impossible to meet this deadline due to circumstances beyond the control of the Department, a letter of explanation shall be placed with the inmate's withdrawal request setting forth these circumstances.~~

~~(5)(6) When an inmate is released from the control of the department, and his or her inmate bank account balance exceeds \$1.00, the inmate's balance in the inmate bank trust fund at the time of discharge shall be mailed by the Bureau of Finance and Accounting, Inmate Bank Section, within 45 days of the inmate's release service center to the an address provided by of the inmate's during the release process choice. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payer payor by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by registered mail to the inmate. Inmates being released will be provided with cash for travel and related expenses. For inmates who meet eligibility requirements set forth in Rule 33-601.502, F.A.C., this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, a hold will be placed on the inmate's bank account and the amount will be later deducted from the inmate's trust fund account, with any remaining account balance shall be being forwarded~~

as indicated above. Pursuant to Chapter 717, F.S., in the event that funds are unclaimed after a period of five years, the balance shall escheat to the state as unclaimed funds held by fiduciaries.

~~(6)(7) Upon the death of any inmate affected by the provisions of this section during the period of incarceration, any unclaimed money held for him in trust by the Department or by the State Treasurer shall be applied first to the payment of any unpaid state claims against the inmate. Any remaining funds shall be transferred to the inmate's designated beneficiary or to the decedent's estate. In the event that the funds are unclaimed after a period of 1 year, the balance shall escheat to the state as unclaimed funds held by fiduciaries pursuant to s. 944.516, F.S.~~

~~(7)(8) When an inmate escapes and is not captured within 30 days, any balance in his Inmate Bank Trust Fund account, in excess of \$1.00, shall be forwarded to the person designated on the inmate's notification record. If this person cannot be located after reasonable efforts, the funds shall be held for five years and, if unclaimed, shall escheat to the state pursuant to Chapter 717, F.S, forwarded to Central Office for deposit in the Dormant Inmate Fund Account. If the escaped inmate is captured within 30 days, his funds shall be forwarded to the service center for the facility where the inmate is now incarcerated.~~

~~(8)(9) Interest earned on investments of money from the Inmate Bank Trust Fund may be used to replace any funds belonging to an inmate which have been stolen, lost or otherwise misappropriated from the inmate's trust account through no fault of the Department or its employees and which cannot be replaced by appropriated funds, insurance payments, or other available resources. However, such use may only be made if, pursuant to a thorough investigation as part of the normal auditing process, the Department's Internal Auditor recommends in a written report that such use is appropriate. If the Internal Auditor concludes that a shortage in funds is attributable to the negligence of specific individuals, his report shall contain a recommendation that the shortage be recovered from the identified negligent individuals. The Internal Auditor's report may also recommend other action, including prosecution, with respect to any missing funds. If the Internal Auditor concludes that the Department is at fault, the shortage shall be recovered from the institution's or service center's operating funds.~~

(a) Reviews of periodic financial statements, by the Bureau of Finance and Accounting, will include a determination of whether any inmate bank trust fund shortages exist. Any trust fund shortage will be resolved during the course of the review.

(b) The bureau chief will file an incident report with the Inspector General's Office if fraudulent activity is suspected. The Inspector General's Office will process the incident report and forward the results to the Bureau of Internal Audit. The



Bureau of Internal Audit will audit the funds as part of the next regularly scheduled audit of the Inmate Trust Fund. The audit will be conducted in accordance with s. 20.055 and 944.516(1)(f), F.S.

~~(9)(10)~~ Notice to the department of an adverse claim against funds held by an inmate in the inmate bank trust fund shall not cause the department to recognize the adverse claimant unless the adverse claimant ~~shall also either:~~

~~(a) Procure a restraining order, injunction or other appropriate process against the department from a court in a cause therein instituted by him in which the inmate is made a party and served with process; or~~

~~(b) Execute to the department, in form and with sureties acceptable to it, a bond indemnifying the department from any and all liability, loss, damage, costs and expense for and on account of the department, placing a hold on the inmate's account.~~

~~(c) If the claimant satisfies one of the above prerequisites, the department shall place a hold on the inmate's account until such time as the claim is resolved.~~

~~(d) If the claimant is the State of Florida and the claim is a cost judgment entered by a state or federal court against the inmate either in a civil or criminal action brought by the inmate, or in an appeal of such civil or criminal action, or if the cost judgment is the result of any other monetary judgment, order, or sanction imposed by a court against an inmate, the provisions of subsection (10)(44) of this rule shall apply.~~

~~(10)(44)~~ Any cost judgment or other monetary judgment, order, or sanction imposed against an inmate as described in paragraph ~~(9)(10)~~(d) above, shall be paid by offsetting the amount of the judgment or monetary order or sanction against the inmate's funds in his inmate bank trust fund account in the following manner:

(a) The attorney representing the state in such civil or criminal action or appeal shall file with the Office of the General Counsel Admission and Release Authority, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate court, together with a cover letter stating the date and amount of the judgment, monetary order, or sanction, or the balance remaining if less than the face amount thereof, as well as the attorney's name, address and telephone number. The attorney shall also certify in the letter that:

1. through 4. No change.

(b) Upon receipt of the above documents, the Office of the General Counsel Admission and Release Authority shall determine if the inmate is still in the custody of the department. If the inmate is not in the custody of the department, the Office of the General Counsel Admission and Release Authority shall advise the attorney of that fact and, if known, advise the attorney of the last known forwarding address of the inmate. If the inmate is in the custody of the department, the Office of the

General Counsel Admission and Release Authority shall forward the letter and a copy of the judgment or relevant order to the Bureau of Finance and Accounting, Inmate Bank Section service center for the institution where the inmate is presently incarcerated, specifically directed to the attention of the person who is in charge of or responsible for the inmate bank trust fund at that service center.

(c) Once the Bureau of Finance and Accounting, Inmate Bank Section, service center receives the letter and a copy of the judgment or relevant order, a hold shall immediately be placed on the inmate's account. The inmate shall be promptly advised of the hold and that the reason therefore is an unsatisfied judgment or other monetary order or sanction. A copy of the attorney's letter or the letter from the probation and parole field office and a copy of the judgment or relevant order will be given to the inmate upon his request.

(d) No change.

(e) If there are insufficient funds in the inmate's account to satisfy the amount shown as due or the balance remaining as stated by the attorney, a check shall be issued payable to the "State of Florida" for the amount contained in the inmate's account. Each time that the inmate receives funds in his account, payment shall be disbursed to the State of Florida until the debt is satisfied. The hold shall remain on the inmate's account until sufficient funds have been paid to satisfy the amount shown as due on the balance remaining thereon. If the inmate is released from the custody of the department before he has paid the full amount of the judgment, upon his release, a notice shall be sent to the attorney or probation and parole office advising the attorney or office of the inmate's release, the inmate's last forwarding address, if known, and the fact that the inmate has not paid the full amount of the judgment. A copy of this notice shall be placed in the inmate's file.

~~(f) If the inmate is transferred to another institution or facility under a different service center within the department during the time that there is an unsatisfied judgement or other monetary order or sanction and a hold placed on his inmate account by reason thereof, the hold, as well as the attorney's letter and copy of the judgment or other monetary order or sanction, shall be transferred with the inmate to the new service center and the procedures specified above shall continue to apply.~~

~~(11)(12)~~ Inmates shall be provided with monthly statements detailing the activity in their bank trust fund accounts. Inmates will be provided one monthly bank statement reflecting all transactions for the current month. If an inmate thinks the statement is wrong, or if additional information is needed about a transaction, the inmate must submit a written request no later than sixty days after the first statement on which the problem or error appeared. The written request must provide sufficient detail for audit. The complaint

will be investigated and errors will be corrected promptly. If it takes more than ten working days to do this, a written notification of the delay will be provided.

(12)(13) When necessary for meeting state or federal requirements for demonstrating indigence indigency to the courts, inmates shall be provided with copies of printouts of their trust fund activity for the previous six months upon presentation of information demonstrating litigation – case number (if known), court, completed affidavit of indigency – attached to an inmate request. Application of this provision is limited to those requests which specifically state that the printouts are necessary for this purpose. The printout shall be provided to the inmate by the Bureau of Finance and Accounting, Inmate Bank Section, service center within 10 5 working days of receipt of the request. Copies shall be authorized in accordance with Rule 33-501.302, F.A.C.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, Chapter 717, 944.09, 944.516, 945.091, 945.215 FS. History–New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE: Elderly Offender Housing

RULE NO.: 33-602.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth criteria for the assignment of elderly offenders to the department's geriatric facility designated by s. 944.804, F.S.

SUBJECT AREA TO BE ADDRESSED: Elderly offenders.

SPECIFIC AUTHORITY: 944.09, 944.804 FS.

LAW IMPLEMENTED: 944.09, 944.804 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.601 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor and chief of security, responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification office (SCO).

(b) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

(c) Elderly Offender – an inmate age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the Correctional Privatization Commission.

(d) River Junction Work Camp – a geriatric facility designated by s. 944.804, F.S., for generally healthy elderly offenders who can perform general work appropriate for their physical and mental condition.

(e) Inmate Support Group – a group of inmates under the age of 50 who are needed to supplement the elderly inmate work assignments.

(2) Placement criteria. Inmates shall be recommended for placement at River Junction Work Camp through routine classification assignment.

(a) Inmates shall meet the following criteria for housing at RJCI:

1. Age 50 or older (other than inmate support group inmates);

2. Medium, minimum or community custody;

3. Have not received three or more major disciplinary reports within the last six months;

4. Are not otherwise deemed to be security risk for placement; and

5. Medical profile that will allow the inmate to perform meaningful work activities.

(b) The following inmates shall not be eligible for housing at RJCI:

1. Close or maximum custody;

2. Have a current or prior conviction for any sex offense;

3. Have a current or prior conviction for first degree murder;

4. Have an escape history or escape arrest with unknown disposition;

5. Have a violent felony or INS detainer;

6. Have an ex-death sentence;

7. Have a life sentence without parole eligibility;

8. Have been released from close management status within the last six months; or

9. Have a special medical need which cannot be accommodated in the work camp setting.

Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History–New \_\_\_\_\_.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.:

59G-6.010

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2002, to provide the following changes based on House Bill 27E, General Appropriations Act 2002-03, Specific Appropriation 199 and 251, Florida Legislature 2002-03:

1. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a nursing home upper payment limit (UPL) program to provide special Medicaid payments to nursing homes to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

2. From the funds in Specific Appropriation 251, \$26,925,842 is provided for the purpose of adjusting the operating cost component of the Medicaid nursing home per diem rate. These funds are provided to address the increased cost for general and professional liability insurance.

3. Removal of Usual and Customary (U & C) provisions from the Long-Term Care Reimbursement Plan.

The effect of the proposed amendment will be:

1. In an effort to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a nursing home upper payment limit program to provide special Medicaid payments to nursing homes to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

2. From the funds in Specific Appropriation 251, \$26,925,842 is provided for the purpose of adjusting the operating cost component of the Medicaid nursing home per diem rate. These funds are provided to address the increased cost for general and professional liability insurance.

3. Removal of Usual and Customary (U & C) provisions from the Long-Term Care Reimbursement Plan.

**SUBJECT AREA TO BE ADDRESSED:** Nursing home upper payment limit (UPL), the operating cost component of the nursing home per diem rate, and Usual and Customary (U & C) provisions.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.908 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:**

**DATE AND TIME:** 9:00 a.m., July 10, 2002

**PLACE:** 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** James Estes, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-C, Tallahassee, Florida 32308, (850)414-2759

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

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

##### **Medicaid**

**RULE TITLE:**

**RULE NO.:**

Payment Methodology for Inpatient

Hospital Services

59G-6.020

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2002, to provide the following changes based on House Bill 27E, General Appropriations Act 2002-03, Florida Legislature 2002-03, Specific Appropriation 222 and 222A:

1. \$51,147,733 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals as defined in s. 395.805, Florida Statutes; hospitals providing primary care to low-income individuals; hospitals which operate designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education disproportionate share hospital (DSH) program shall be paid \$13,559,912 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals, except for those that are public hospitals, shall be paid \$1,812,908 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$13,559,912 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$12,900,000. Of this amount, \$5,100,000 shall be distributed equally between hospitals which are a Level I trauma center; \$5,000,000 shall be distributed equally between hospitals which are either a Level II trauma center or Pediatric trauma center; and \$2,800,000 shall be distributed equally between hospitals which are both a Level II trauma center and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$9,315,000 distributed in the same proportion as the DSH payments.

2. \$12,756,371 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total hospital days, equals or exceeds 14.5 percent. Hospitals that exceed 14.5 percent as described above and are trauma centers shall be paid

\$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. \$5,315,665 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

4. \$94,673,386 is provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. This amount shall be paid to the following:

Jackson Memorial Hospital .....	\$2,562,400
University Medical Center – Shands.....	\$50,828,951
All Children’s Hospital.....	\$6,604,745
Shands Teaching Hospital .....	\$2,396,945
St. Mary’s Hospital.....	\$51,222
Miami Children’s Hospital .....	\$5,750,230
Tampa General Hospital.....	\$13,703,527
Orlando Regional Medical Center.....	\$3,641,219
Lee Memorial Hospital/CMS .....	\$500,000
Tallahassee Memorial Healthcare .....	\$54,402
St. Joseph’s Hospital .....	\$52,835
Florida Hospital .....	\$55,072
Baptist Hospital of Pensacola .....	\$500,000
Mt. Sinai Medical Center .....	\$7,971,838

5. \$232,693,505 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

6. \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.

7. \$7,251,632 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Community Health Centers or Primary Care Centers to provide primary care services to indigent residents.

8. \$134,851,971 is provided for the creation of a public Disproportionate Share Hospital Program (DSH) and shall be distributed in accordance with s. 409.911, Florida Statutes. The public hospital DSH program will replace the current regular DSH program for FY 2002-03. Funds appropriated are contingent upon receipt of county contributions. These funds reflect a decrease of \$40,572,430 in order to be in compliance with the federal funding cap on the Disproportionate Share Hospital program. Additionally, these funds reflect an increase of \$3,682,293 for the transfer of funds from the Children’s Hospital Disproportionate Share Program.

9. Section V A. 5 of the Title XIX Inpatient Hospital Reimbursement Plan refers to the “health, recreation, and personal services” component of the Florida Price Level Index (FPLI). This component has been renamed “health care”.

The effect of the proposed amendment will be:

1. \$51,147,733 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals as defined in s. 395.805, Florida Statutes; hospitals providing primary care to low-income individuals; hospitals which operate designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education disproportionate share hospital (DSH) program shall be paid \$13,559,912 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals, except for those that are public hospitals, shall be paid \$1,812,908 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$13,559,912 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$12,900,000. Of this amount, \$5,100,000 shall be distributed equally between hospitals which are a Level I trauma center; \$5,000,000 shall be distributed equally between hospitals which are either a Level II trauma center or Pediatric trauma center; and \$2,800,000 shall be distributed equally between hospitals which are both a Level II trauma center and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$9,315,000 distributed in the same proportion as the DSH payments.

2. \$12,756,371 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total hospital days, equals or exceeds 14.5 percent. Hospitals that exceed 14.5 percent as described above and are trauma centers shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. \$5,315,665 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

4. \$94,673,386 is provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.

5. \$232,693,505 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

6. \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.

7. \$7,251,632 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Community Health Centers or Primary Care Centers to provide primary care services to indigent residents.

8. \$134,851,971 is provided for the creation of a public Disproportionate Share Hospital Program (DSH) and shall be distributed in accordance with s. 409.911, Florida Statutes. The public hospital DSH program will replace the current regular DSH program for FY 2002-03. Funds appropriated are contingent upon receipt of county contributions. These funds reflect a decrease of \$40,572,430 in order to be in compliance with the federal funding cap on the Disproportionate Share Hospital program. Additionally, these funds reflect an increase of \$3,682,293 for the transfer of funds from the Children's Hospital Disproportionate Share Program.

9. Section V A. 5 of the Title XIX Inpatient Hospital Reimbursement Plan refers to the "health, recreation, and personal services" component of the Florida Price Level Index (FPLI). This component has been renamed "health care".

SUBJECT AREA TO BE ADDRESSED: Special Medicaid payments, inpatient hospital ceilings, and the Florida Price Level Index (FPLI).

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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:

DATE AND TIME: 10:00 a.m., July 10, 2002

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Estes, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-C, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO COST FROM THE CONTACT PERSON LISTED ABOVE.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE TITLE:

Payment Methodology for Outpatient  
Hospital Services

RULE NO.:

59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2002, to provide the following changes based on House Bill 27E, General Appropriations Act 2002-03, Florida Legislature 2002-03, Specific Appropriation 199 and 225:

1. \$2,134,824 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds 14.5 percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

2. \$359,443 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a hospital outpatient upper payment limit program to provide special Medicaid payments to hospitals to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

The effect of the proposed amendment will be:

1. \$2,134,824 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds 14.5 percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

2. \$359,443 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a hospital outpatient upper payment limit program to provide special Medicaid payments to hospitals to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

SUBJECT AREAS TO BE ADDRESSED: Special Medicaid payments, outpatient hospital ceilings, and outpatient upper payment limit (UPL).

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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:

DATE AND TIME: 11:00 a.m., July 10, 2002

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Estes, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-C, Tallahassee, Florida 32308, (850)414-2759

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Engineers

RULE TITLE: Schedule of Fees

RULE NO.: 61G15-24.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Schedule of fees.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 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 IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

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

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-29R

RULE CHAPTER TITLE: Stationary Sources – Emissions

RULE CHAPTER NO.:

Monitoring

62-297

RULE TITLE:

RULE NO.:

Supplemental Test Procedures

62-297.440

PURPOSE AND EFFECT: The department is proposing to adopt by reference American Society for Testing and Materials (ASTM) Method 1552-90 to implement the provisions of section 403.08725 of the Florida Statutes and update the adoption by reference of other ASTM methods.

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".

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-24R

RULE CHAPTER TITLE: Hazardous Waste

RULE CHAPTER NO.: 62-730

RULE TITLES: General

RULE NOS.: 62-730.150

Forms 62-730.900

PURPOSE AND EFFECT: The proposed rule development describes a compliance assistance pilot program (CAPP) addressing solid and hazardous wastes generated during the act or process of repairing or modifying the mechanical components of automobiles or light trucks. The purpose of the CAPP is to provide detailed, focused written and electronic informational materials; to collect information on current waste management practices; to optimize the Department's compliance resources; and to develop performance measures for determining the impact of the program. The benefits of the CAPP are expected to include measurable reductions in environmental impact; increased focus on compliance with, and better understanding of, environmental regulations; increased ability to monitor environmental performance; increased public awareness and industry accountability; and increased cost effectiveness by allowing the Department to better use limited resources.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments concern compliance assistance and certification for automotive repair shops that generate solid and hazardous wastes.

SPECIFIC AUTHORITY: 403.061, 403.0611, 403.704, 403.721, 403.7234 FS.

LAW IMPLEMENTED: 120.55, 403.061, 403.0611, 403.091, 403.151, 403.704, 403.721, 403.7234 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Monday, July 1, 2002

PLACE: Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Mike Redig, Department of Environmental Protection, Hazardous Waste Regulation Section, 2600 Blair Stone Road, Mail Station 4560, Tallahassee, Florida 32399-2400, (850)921-9247

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."

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

RULE TITLE: RULE NO.:

Examination for Licensure 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for licensure.

SPECIFIC AUTHORITY: 456.017, 491.004(5) FS.

LAW IMPLEMENTED: 456.017, 491.005 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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

RULE TITLES: RULE NOS.:

Application, Examination and Initial Active  
Status License Fee for Licensure  
by Examination 64B4-4.002

Registered Intern Registration Fee and  
Subsequent Examination Fee 64B4-4.015

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application, examination and initial active status license fee for licensure by examination and registered intern registration fee and subsequent examination fee.

SPECIFIC AUTHORITY: 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 491.0045(2)(a), 491.005 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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B4-5.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

RULE TITLES: RULE NOS.:

Documentation of Continuing  
Education Credits 64B4-6.003

Approval of Continuing Education Courses  
on Prevention of Medical Errors 64B4-6.009

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Documentation of continuing education credits and approval of continuing education courses on prevention of medical errors.

SPECIFIC AUTHORITY: 456.013(7), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(7), 491.0085 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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

RULE TITLE: COURSE CONTENT  
RULE NO.: 64B4-22.110

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Course content.

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(3) 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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE TITLE: REMOVAL OF AMALGAM FILLINGS  
RULE NO.: 64B5-17.014

PURPOSE AND EFFECT: The Board will discuss the possibility of creating a new rule to address the removal of amalgam fillings as alternative or complementary health care.

SUBJECT AREA TO BE ADDRESSED: Removal of amalgam fillings.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.41, 466.028(1),(l),(w),(x),(y) 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 IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 64B5-17.014 Removal of Amalgam Fillings.

(1) The Board of Dentistry has determined that claims regarding amalgam fillings as a casual factor in systemic illnesses are not supported by the Food and Drug Administration, the U.S. Public Health Service, or the National Institutes of Health. The Board therefore deems that the removal of amalgam fillings for the purported purpose of curing or preventing systemic illness constitutes alternative or complementary health care. In compliance with Section 456.41, Florida Statutes, any dentist performing such alternative or complementary health care treatment shall inform the patient of the following:

(a) The nature of the treatment and the benefits and risks associated with the treatment, and

(b) The dentist's education, experience and credentials regarding the complementary or alternative treatment option.

(2) Each dentist shall indicate on the patient's record the method(s) by which the requirements of Section 456.41, Florida Statutes, were met.

Specific Authority 466.004 FS. Law Implemented 466.028(1),(l),(w),(x),(y), 456.41 FS. History--New

## FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-38.002
Notice of Funding Availability	67-38.0025
Application Procedures	67-38.003
Selection and Rejection Criteria	67-38.004
Scoring and Ranking Guidelines	67-38.005
Terms and Conditions of the Loan	67-38.007
Eligible Uses for the Advance and Loan	67-38.008
Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Sale, Transfer or Conveyance of Project	67-38.012
Disbursement Procedures	67-38.014
Compliance and Monitoring Procedures	67-38.0145
Disposition of Property Accruing to the Corporation	67-38.015
Application Procedures for Applicants Participating Under 1998 Cycles I and II	67-38.017



**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan or grant amounts to non-profit entities who engage in development of affordable housing for very low or low-income households.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2002 Application and program requirements for the Predevelopment Loan Program, as specified in Rule Chapter 67-38, Florida Administrative Code ("F.A.C.").

**SPECIFIC AUTHORITY:** 420.528 FS.

**LAW IMPLEMENTED:** 420.507, 420.521-420.529 FS.

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

**TIME AND DATE:** 10:00 a.m., July 2, 2002

**PLACE:** Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

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

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

**RULE TITLE:** Annual and Quarterly Reporting Requirements **RULE NO.:** 4-137.001

**PURPOSE AND EFFECT:** The purpose of the proposed rule development is to adopt current NAIC annual statement instructions and accounting practices manuals.

**SUMMARY:** As amended, the rule would require insurers to follow the 2002 editions of NAIC's annual statement instructions and accounting procedures manuals rather than the 2001 editions. It also provides a new option to insurers that write health insurance only to use the annual statement instructions for health insurance rather than the instruction manual for life, accident and health.

**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:** 624.307, 624.308(1) FS.

**LAW IMPLEMENTED:** 624.307(1), 624.424(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:**

**TIME AND DATE:** 2:00 p.m., Tuesday, July 9, 2002

**PLACE:** Room 143, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kerry Krantz, Actuary, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, 317B Larson Building, Tallahassee, FL 32399-0327, (850)413-4153

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 2002 ~~2001~~;

2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 2002 ~~2001~~; and

3. At the option of a life, accident, and health company or a property and casualty company whose policy and contract premiums, claims, and liabilities are 100% health insurance, the NAIC's Annual Statement Instructions/Health, 2002; and

~~4.3.~~ The NAIC's Accounting Practices and Procedures Manual, as of March, 2002 ~~2001~~.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Kerry Krantz, Actuary, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Thomas Streukens, Chief, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance