

Specific Authority 370.12(2)(f),(m),(n),(o) FS. Law Implemented 370.12(2)(d),(f),(i),(m),(n),(o) FS. History—New 1-27-92, Formerly 16N-22.026, 62N-22.026, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: 1A-46.001
RULE TITLE: Standards and Guidelines for Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly.

ARCHAEOLOGICAL AND HISTORICAL REPORT STANDARDS AND GUIDELINES

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which the Division has review authority.

(2)(4) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

(c)(b) "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards, as set forth in the "Florida Certified Local Government Guidelines" (Form HR3E03204-02) herein incorporated by reference, and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f)(e) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

(d) "Documentation activities" means actions, such as mitigation of potential impact, undertaken for the purpose of recovering data about or from archaeological sites to evaluate and determine significance or to document through archaeological excavation the archaeological site, fully or by means of representative samples, as it existed prior to proposed alteration, damage or destruction.

(e) "Evaluation activities" means actions, such as inventory and assessment, undertaken for the purpose of determining whether identified archaeological sites are historically significant.

(f) "Federally involved projects" means federal or federally assisted, licensed or permitted actions.

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

(j)(g) "Florida Master Site File" or "FMSF" means the record list of identified historical resources maintained by the Division all recorded archaeological and historical sites, buildings and other real properties of historical, archaeological or architectural value.

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to

document using the Historic American Buildings Survey (HABS) or Historic Engineering Record (HAER) standards and guidelines prior to proposed alteration or destruction.

(l) "Historical resource" means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old of historical, architectural, or archaeological value.

(m) "Historic context" means the organizational format that groups information about related historical resources based on theme, geographical limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archaeology, engineering and culture, and identifies significant patterns that individual historical resources represent. A set of historic contexts is a comprehensive summary of all aspects of the history of an area. "Identification activities" means actions, such as survey, undertaken for the purpose of locating and identifying archaeological sites.

(n)(i) "Local undertaking projects" means a project, activity or program undertakings subject to the provisions of a local ordinance or regulation for which the Division has been assigned review authority responsibility.

(o)(j) "National Register" means the National Register of Historic Places, the list of historical resources significant in American history, architecture, archaeology, engineering and culture and authorized by the National Historic Preservation Act of 1966 as amended and administered by the U.S. Department of the Interior, National Park Service.

(p)(k) "Principal Investigator" means the person or persons responsible for supervising archaeological fieldwork and historical fieldwork identification, evaluation, and documentation investigations.

(l) "Significance" means historical importance judged according to criteria of National Register eligibility or other criteria specified in applicable law or rule.

(q) "State undertaking" means a project, activity or program in which a state agency of the executive branch has direct or indirect jurisdiction; those in which a state agency provides financial assistance to a project or entity; and those in which a state agency is involved through the issuance of state permits or licenses.

(r)(m) "Sufficiency" means determining whether a report meets the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (published in the Federal Register, Vol. 48, No. 190, pp. 44716-44740, September 29, 1983), herein incorporated by reference, with respect to identification, evaluation, and documentation.

(3)(2) Reports. Reports of the results of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities shall include the topics in (a)-(h)(f) below in sufficient detail for the Division of Historical Resources (Division) to review for completeness

and sufficiency. For projects of limited scope, topics that are not applicable may be omitted when a justification for this decision is provided. In addition, all reports shall be consistent with and meet the terms of the standards and guidelines for identification, evaluation and documentation contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation". This section shall apply to federal, state and local undertakings ~~federally involved projects, state involved projects and local projects for which the Division has been assigned review responsibility. This section shall not apply to activities permitted by the Division in accordance with Chapter 1A-31, Florida Administrative Code.~~ Principal Investigators for reports of projects on state-owned or controlled land and for Division grant-in-aid projects shall meet the minimum qualifications for ~~archaeologists~~ archaeology, history, architecture, architectural history, or historic architecture contained in 36 C.F.R. 61 ("Procedures for Approved State and Local Historic Preservation Programs, Appendix A, Professional Qualifications Standards"), herein incorporated by reference, effective ~~10-97~~ 7-94. ~~While not required, these minimum qualifications are recommended for principal investigators on state and state-assisted undertakings.~~ For purposes of this rule, a "state undertaking" is a project in which a state agency performs the majority, if not all of the project activities. A "state-assisted undertaking" is a project in which a state agency provides financial assistance to a project or entity, or is involved through the issuance of state permits or licenses.

(a) General Description. The description of the project shall address the project location (including boundary map) and description; the purpose of the project; the area of potential effect; and the pertinent federal, state or local laws and regulations.

(b) Archival Research. Archival research shall address past field surveys in the project area and the relevance of the major findings to the area currently under study; pertinent data in the Florida Master Site File; pertinent environmental and paleoenvironmental data; pertinent data in other studies appropriate for the research problem; pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans; and pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies. Research results shall be presented in a chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area.

(c) Research Design. The description of the research design shall address the objectives; methods; expected results; and procedures to deal with unexpected discoveries including the discovery of human remains in accordance with chapter 872.05, Florida Statutes.

(d) Archaeological Fieldwork. The description of archaeological fieldwork activities shall address the types kinds of sites encountered and looked for, evaluated or documented; the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the location of all tests and or excavations, including maps depicting testing locations and results used to establish site boundaries, site components, integrity of sites and subareas within the portions of sites, and other relevant topics; information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components; information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur; photographs of each site; photographs and illustrations representative of site subareas or features, and or formal excavation units; identification of portions of the project area that were examined but that did not contain archaeological remains; special survey techniques; and information on changes in research design or methodology. Special survey techniques may be necessary to search for certain subsurface or underwater archaeological sites. The description of special survey techniques shall address the following topics: equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources investigated by examination to determine their nature. Underwater archaeological surveys shall be conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys" (Form HR6E06304-02) herein incorporated by reference.

(e) Historical Fieldwork. The description of historical fieldwork activities shall address the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the types of resources identified and evaluated; a list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map; descriptions for all identified resources; photographs or illustrations representative of resources located in the project area; information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur; and an explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering or cultural resources.

(f)(e) Archaeological Results and Conclusions. The description of analysis the results and conclusions of the archaeological resource investigations shall address laboratory methods used to analyze artifacts and other site materials recovered collected during the archaeological investigations in the project area; project, and the curation location of artifacts and project records; findings in relation to the stated objectives of the investigations project; how sites are disturbed and an assessment of site their integrity; methods used to apply National Register criteria for a determination of eligibility and historic context as contained in 36 C.F.R. 60 ("National Register of Historic Places"), herein incorporated by reference; the significance of evaluated sites; a discussion of completeness of project efforts and the need for any additional identification, evaluation or documentation efforts; conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site; and a bibliography of those sources utilized including preservation, excavation, or no action.

(g) Historical Results and Conclusions. The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address findings in relation to the stated objectives; an assessment of the integrity of evaluated sites; methods used to apply National Register criteria for a determination of eligibility and historic context; a description of the constituent elements that constitute the complete property (e.g. outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register; the National Register property boundaries depicted on a scaled site plan sketch; conclusions and analysis of the findings; a discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history; recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance, minimization or mitigation of potential impacts, or no action; a discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts; the location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.); and a bibliography of those sources used.

(h)(f) Florida Master Site File (FMSF) Requirements. Reports of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities will be deemed incomplete if they do not contain FMSF survey log sheets for each report and site forms for each site identified, evaluated or documented. All archaeological fieldwork and historical fieldwork identification, evaluation and documentation reports shall should include the following, either as part of the report or as accompanying documents:

1. Completed FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97) (Form AH6E03002-89, effective 6-10-92), completed in accordance with the "Guide to the Survey Log Sheet" (Form HR6E05904-02) with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map, the Florida Department of Transportation County Highway Map; and

2. Completed FMSF archaeological site forms (Form HR6E06401-97, effective 3-1-97), completed in accordance with the "Guide to the Archaeological Site Form, Version 2.2 (Form HR6E05804-02) (Form AH6E03002-89, effective 6-10-92) and supplement for site forms (Form AH6E03202-89, effective 6-10-92), as appropriate.

3. FMSF historical structure forms (Form HR6E06308-96, effective 11-1-96), completed in accordance with the "Guide to the Historical Structure Form, Version 3.0" (Form HR6E06004-02) as appropriate.

4. FMSF historical bridge forms (Form HR6E06510-97, effective 10-1-97), completed in accordance with the "Guide to the Historical Bridge Form (Form HR6E06104-02), as appropriate.

5. FMSF historical cemetery forms (Form HR6E04806-92, effective 8-1-98), completed in accordance with the "Guide to the Historical Cemetery Form" (D HR6E0620402), as appropriate.

6. Completed FMSF shipwreck forms (Form HR6E05006-92, effective 7-1-92) as appropriate.

7. Completed FMSF archaeological short form (Form HR6E04906-92, effective 12-1-95) as appropriate.

8. Completed FMSF resource group forms (Form HR6E05711-01, effective 7-1-00) as appropriate.

9. An with original or photocopy portion of U. S. Geological Survey (1:24,000) 7.5 minute quadrangle series topographic quadrangle maps for all identified sites showing site locations. These forms are herein incorporated by reference and are available by writing the Division at R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. These forms may also be obtained from the Division's website at www.flheritage.com.

(4)(3) Review Procedures. The following procedures shall be followed in the review of archaeological fieldwork and historical fieldwork identification, evaluation, and documentation reports:

(a) Reports and accompanying documentation shall be submitted to the Bureau of Historic Preservation at the Division.

(b) The Division shall notify the agency or applicant in writing within fifteen ten (10) working days of receipt of a review request, of any additional information required.

(c) Upon its determination that the report information is complete, the Division shall complete its review of the report for sufficiency based on the criteria specified in 1A-46.001(3) (2), FAC., within thirty calendar days.

(d) The Division shall notify the agency or applicant of its decision as to whether the reports meets the requirements of this rule with respect to completeness and sufficiency, and shall include a statement of the reason for determining a report to be incomplete or insufficient.

Specific Authority 267.031(1), ~~267.061(3)~~ FS. Law Implemented 267.031 267.061 FS. History--New 6-10-92, Amended 7-21-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Brian Yates, Office Automation Analyst, Division of Historical Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Snyder Matthews, Ph.D., Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 28, No. 18, of the May 3, 2002 issue of the Florida Administrative Weekly.

When changed, Chapter IT-1 will read as follows:

(2)(b) Florida Artists Hall of Fame and Florida Arts Recognition Awards. This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards. Nominations or applications to these awards programs shall meet the eligibility and application requirements as set forth in the Florida Artists Hall of Fame Nomination Form CA1E021, eff. 8/02 6/97, and the Florida Arts Recognition Awards Nomination Form CA1E015, eff. 8/02 10/98, both incorporated by reference and available from the Division.

(2)(d) Florida Arts License Plate Program. This section provides guidelines for revenue distributions from the sales of Florida Arts License Plates. The Florida Arts License Plate Program Guidelines (Form CA1E006, eff. 8/02 2/96), incorporated by reference and available from the Division, outline procedures for the administration and distribution of license plate revenues to counties in Florida.

(5)(c) submit a completed and signed application form (CA2E009, eff. 8/02), incorporated by reference and available from the Division, for each program to which application is made, including the required number of application copies, on or before the announced postmark deadline for that program;

(5)(e)2. The Division of Cultural Affairs will waive the financial matching requirements on Division grants, except those noted in section 3, for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, Florida Statutes. A written request for waiver of matching requirements must be submitted with each grant application.

(7)(b)3. For this program, a complete application is one that has a fully completed Organization Grant Application Form (CA2E009, eff. 8/02, incorporated by reference and available from the Division); support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions.

(11)(a)1. Applicants must submit a completed State Touring Program application form (CA3E013, eff. 8/02, incorporated by reference and available from the Division) with all required attachments and samples of work as described in the program guidelines, on or before the announced postmark deadline for the roster appointment program component;

(11)(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in paragraph (5), and must submit a completed State Touring Program presenter application form (CA2E014, eff. 8/02, incorporated by reference and available from the Division), and documentation of roster company or artist intent to contract, on or before the announced postmark deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, Florida Statutes.

(11)(b)1. Applicants are eligible to request up to one-third of the company or artist fee as stated on the company or artist contract. For performances that occur in underpopulated counties, presenters are eligible to apply for up to two-thirds of the fee. Underpopulated counties are those that have populations of 75,000 or less, or those counties that are REDI qualified. REDI qualified means counties or communities designated pursuant to sections 288.0656 and 288.0651, Florida Statutes. In consideration of available funds, funding priority will be given to underpopulated county applications.

(12)(b)3. For this program, a complete application will be considered as the Organization Grant Application form, incorporated by reference in paragraph (5), with the exception

of Operating Results and Projections, and responses to all narrative questions. Incomplete applications will not be forwarded to the panel for review.

(13)(e) Applicants must submit a completed and signed application, using form CA2E050, eff. 8/02, incorporated by reference and available from the Division, including the required number of copies, on or before the announced postmark deadline.

(16)(a)2.a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 8/02), incorporated by reference and available from the Division.

(16)(b)2.a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 8/02), incorporated by reference and available from the Division, and submitted on or before the annual June 1 deadline.

(16)(b)10. Each organization shall enter into a trust agreement (CA2E039, eff. 8/02), incorporated by reference and available from the Division, with the State of Florida for the management of the endowment fund. The trust agreement shall include:

(17)(b)1. A completed and signed Cultural Facilities Program Application Form (#CA2E020, eff. 8/02), incorporated by reference and available from the Division, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

(17)(k) Grant Award Agreement. The Grant Award Agreement (CA2E038, eff. 8/02) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

(18)(b) Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 8/02, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

(19)(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Interim and final reports shall be completed and submitted on the Grant Report Form (CA2E004, eff. 8/02), incorporated by reference and available from the Division.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.037	Calculation of Premium Rates
4-149.038	Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement
4-149.039	Designation of Election to Become a Risk-Assuming or Reinsuring Carrier
4-149.040	Change of Status of Small Employer Carrier's Election to Become Risk-Assuming or Reinsuring Carrier
4-149.041	Marketing Communication Material and Marketing Guidelines
4-149.044	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 12, March 22, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns expressed

4-149.037 Calculation of Premium Rates.

Paragraph (a) of Subsection (2) has been deleted, and the remaining paragraphs renumbered accordingly.

Paragraph (b) of subsection (3) is changed to read:

(3)(b) Premiums for health benefit plans shall recognize benefit, deductible, and copay differentials as well as other plan structures that can be demonstrated to have a direct impact on costs. As an example, if the Standard Plan is enriched by the addition of riders for a particular employer by 20 percent, then the premium shall be 20 percent higher than a Standard Plan issued to the same employer. This does not prohibit reflecting appropriate premium differences due to cost differences of provider networks between plans....

Subsection (6) is changed to read:

(6)(7)(a)1.a. A small employer carrier may make up to a 15 percent adjustment in rates from the modified community rate schedule for claims experience, health status, or duration of coverage for a particular employer group from that otherwise determined from the tabular rate schedule determined above pursuant to Section 627.6699(6)(b)5., Florida Statutes.

b. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually due to claims experience, health status, or duration of coverage subject to a maximum 15 percent differential from the modified community rate pursuant to Section 627.6699(6)(b)5., Florida Statutes.

2. The objective criteria and standards for application of this rate adjustment shall be applicable to and used for all small employer groups on a non-discriminatory basis.

3. Such criteria and standards shall be filed for approval pursuant to Part I of this rule chapter.

4. A small employer carrier may require completion of an application including health questions, but shall not decline to offer coverage if the employer is unwilling or unable to provide prior claims experience.

5. Such adjustment shall be uniformly applied to the entire premium schedule.

(b) A small employer carrier may file rating factors to provide a credit to the approved tabular community rate schedule to reflect efficiencies in administrative and acquisition expenses based on the size of the small employer. Such factors shall be filed for approval pursuant to Part I of this rule chapter, and shall be used for all small employer groups on a non-discriminatory basis.

(c) If a small employer carrier makes adjustments to individual employer group rates based on the provisions of (a) or (b) above, the carrier shall provide experience in all rate filings including both the actual premiums charged and the premium which would have resulted had no adjustments been made and the tabular community rate schedule was used. Rate analysis and rate adjustments shall be based on the restated premium as though the tabular community rate schedule were used without adjustment.

(d) Coverage available to an Alliance or other group association pursuant to Section 627.6699(6)(b), Florida Statutes, is subject to the provisions of Section 627.6699, Florida Statutes, and shall be available to the Alliance or other group association on a guaranteed issue basis. Any rate adjustments made pursuant to paragraph (b) above shall be applied uniformly to all members of the Alliance or other group association and not on an individual employer basis. Rate adjustments pursuant to paragraph (a) above shall be determined and applied on an individual employer group basis. Subsection (7) has been deleted.

4-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

Subsection (1) is changed to read:

(1)(a) Pursuant to Section 627.6699, Florida Statutes, each carrier that provides health benefit plans in this state shall file, pursuant to paragraph 4-149.044(2)(b), F.A.C., with its 1992 annual statement ~~and~~ each year thereafter, on or before March 1 for the preceding year ending December 31, Form DI4-1094, "Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to ~~in~~ Florida Residents" (10/92), which is hereby adopted in rule 4-149.044, F.A.C. and incorporated by reference, providing information on health benefit plans written in this state.

(b) The company shall file an actuarial certification that the carrier is in compliance with the provisions of Section 627.6699(6), Florida Statutes as required by Section

627.6699(8)(b), Florida Statutes, and that the rating methods of the carrier are actuarially sound. The actuary shall provide a detailed explanation if this certification cannot be made.

Subsection (2): The revision date of form DI4-1117 has been deleted.

4-149.039 Designation of Election to Become a Risk-Assuming or Reinsuring Carrier.

Subsection (1): The revision date of form DI4-1093 has been deleted.

4-149.040 Change of Status of Small Employer Carrier's Election to Become Risk-Assuming or Reinsuring Carrier.

Subsection (1): The revision date of form DI4-1095 has been deleted.

4-149.041 Marketing Communication Material and Marketing Guidelines.

Paragraph (f) of Subsection (2) is changed to read:

(2)(f)1. Pursuant to Section 626.9611, Florida Statutes, the Department identifies the following as being prohibited by Section 626.9541(1)(b), Florida Statutes, for a small employer carrier in reflecting any of the permitted rate adjustments in Rule 4-149.037(6), F.A.C.:

a. To quote a rate which does not reflect the actual characteristics of the individual group; or

b. Where necessary underwriting information has not been analyzed, to quote a rate other than the approved community rate with disclosure that the rate may be adjusted up or down to 15 percent for new groups or up to a 10 percent increase for renewal groups.

2. This does not restrict carriers from quoting rates to groups based on estimated enrollment or demographics provided by the employer.

4-149.044 Forms.

Subsection (1) is changed to read:

(1) The following forms are hereby adopted and incorporated by reference:

(a) DI4-1094, rev. 11/01, Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents.

(b) DI4-1117, rev. 5/02, Florida Employee Health Care Access Act Enrollment Report.

(c) DI4-1093, rev. 5/02, State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

(d) DI4-1095, rev. 5/02, State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

The remainder of the rule reads as previously published.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-210.101	Routine Mail
33-210.102	Legal Documents and Legal Mail
33-210.103	Privileged Mail

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rules, as noticed in the Florida Administrative Weekly, Vol. 28, No. 21, May 24, 2002, will be held at 9:00 a.m. on Wednesday, July 10, 2002, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.6105	Limiting Conditions

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed amendments of subsection 40D-1.6105(2), F.A.C., published in Vol. 28, No. 16, April 19, 2002, issue of the Florida Administrative Weekly:

Subsection 40D-1.6105(2), F.A.C., is changed as follows:

A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit an appropriate Notification and Request for Transfer form, ~~incorporated by reference in 40D-1.659,~~ that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Notification and Request for Transfer of Environmental Resource Permit Form No. 04.10R-022 (07/01) and Notification and Request for Transfer of a Water Use Permit Form No. 04.10R-025 (/02) are incorporated herein by this reference. Copies of these forms may be obtained from the District. The Board may withhold its approval of the permit assignment if it has been demonstrated to the Board that the assignee has failed to properly manage another such facility within the District.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History--Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Proposed Rule Development, as notice in Vol. 28, No. 17, April 26, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Proposed Rule Development, as notice in Vol. 28, No. 17, April 26, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-17.012 School Records; Class Roster

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Proposed Rule Development, as notice in Vol. 27, No. 43, October 26, 2001; Vol. 28, No. 3, January 18, 2002 and Vol. 28, No. 17, Section III, April 26, 2002, has been withdrawn.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
 64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 19, May 10, 2002, issue of the Florida Administrative Weekly. The change is in response to comments made by J.A.P.C. regarding the use of a word in section (b)(1) under medical exemptions that was added during the proposed rule making process. We are changing the word “may” to “shall” to clarify any questions that may arise when issuing a temporary medical exemption. The rule shall now read as follows:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

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

(b) Exemptions – A child may attend school without a valid DH Form 680, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2) only if he presents a completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in ~~Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000~~, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2001, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2002, as incorporated by reference in subsection 64D-3.011(9)(5), F.A.C.

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C), incorporated by reference in subsection 64D-3.011(9)(5), F.A.C., properly dated and signed by a physician licensed under provisions of Chapter 458 or 459, F.S. The original paper temporary or permanent medical exemption shall be transferred for follow-up in addition to the electronic transfer of these records. DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) is a temporary medical exemption which must indicate an expiration date. A child attending under such an exemption is not fully immunized. The expiration date indicated is to be fifteen (15) days after each child’s next scheduled appointment to receive additional vaccine appropriate to the child’s age. The department shall approve issuance of temporary medical exemptions with extended expiration dates by those entities authorized above when it is determined that a vaccine shortage exists. In such predetermined cases, the expiration date for the DH Form 680, Florida Certificate of Immunization Temporary Medical Exemption (Part B) shall reflect the estimated date for manufacturer production of sufficient quantities of vaccine necessary to resume deferred immunizations. DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) is a permanent medical exemption which

indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, (850)245-4342 (Mailing address: 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719)

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-50.001	Purpose and Intent
67-50.005	Definitions
67-50.010	Fees
67-50.020	Notice of Funding Availability (NOFA)
67-50.030	General Program Eligible Activities
67-50.040	General Program Restrictions
67-50.050	HAP Program Restrictions
67-50.060	HOME Program Restrictions
67-50.070	Application and Selection Procedures
67-50.080	Credit Underwriting Procedures
67-50.090	Disbursement of Funds, Draw Requests, and Loan Servicing
67-50.100	Compliance and Monitoring

NOTICE OF CHANGE

The Florida Housing Finance Corporation announces the rescheduling of the Rule Hearing for Rule Chapter 67-50, which was originally noticed in Vol. 28, No. 22.

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

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public hearing regarding the newly proposed Homeownership Loan Program.

For additional information contact: Esrone McDaniels, Deputy Development Officer, Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

UNIVERSAL RULES Retailer Promotion Contest 53ER02-33
SUMMARY OF THE RULE: This emergency rule sets for the provisions for the UNIVERSAL RULES Retailer Promotion Contest which will be conducted from July 7, 2002 through August 9, 2002.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-33 UNIVERSAL RULES Retailer Promotion Contest.

(1) From July 7, 2002, through August 9, 2002, the Florida Lottery will conduct a UNIVERSAL RULES Retailer Promotion Contest. A total of one hundred twenty (120) live radio remote broadcasts ("remotes"); one (1) Universal Orlando® Vacation Prize Package for four persons; and eleven (11) pairs of Universal Orlando 2-Day/2-Park passes will be awarded among the winning retailers.

(2) To enter the contest, retailers must submit a signed UNIVERSAL RULES Retailer Promotion Contest Entry Form agreeing to participate in the contest to a Florida Lottery sales representative or to their local Florida Lottery District Office, on or before July 7, 2002. UNIVERSAL RULES Retailer Promotion Contest Entry Form DOL-462, Effective 6/02, is incorporated herein by reference and may be obtained at any Lottery district office or by writing the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042.

(3) To be eligible to win any of the prizes included in the UNIVERSAL RULES Retailer Promotion Contest, participating retailers must:

(a) Create a store promotion for Instant Game Number 435, UNIVERSAL RULES and maintain it throughout the promotion period;

(b) Submit one or two photographs of their UNIVERSAL RULES instant ticket promotion to a Lottery sales representative or their local Florida Lottery district office, on or before August 10, 2002. The photograph dimensions may not exceed 4" x 6" and the photographs will become the property of the Florida Lottery; and

(c) Manage all stocked instant lottery games as detailed on the UNIVERSAL RULES Retailer Promotion Contest Entry Form.