

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum and Definitions	4-149.006
Annual Rate Filing Procedures	4-149.007

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A second rule development workshop is being scheduled concerning these rules. The amendments accomplish the following:

- Update the definition of Loss Ratio*N – Simplify the definition of loss ratio*N to make the test more efficient and effective. The amendments do not change the loss ratio test, but only the mechanism of demonstrating compliance.
- Technical corrections
- Clarify that rates do not have to be reduced if the loss ratio tests are not met within a 15% margin
- Add some definitions to help clarify the rules
- Enhance annual rate certification filings
- Add provision to allow an updating of the original duration loss ratio table

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b),(d),(e) FS.

LAW IMPLEMENTED: 627.410, 627.410(1),(2),(6), 627.410(6)(d),(e), 627.411(1)(e), 627.9175 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: 10:00 a.m., July 24, 2002
 PLACE: Room 142, 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 above.

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:

4-149.005 Reasonableness of Benefits in Relation to Premiums.

- (1) No change.
- (2) A premium schedule is not excessive if the following are true:

(a) For a new ~~p~~Policy ~~f~~Form, ~~g~~Group or ~~i~~Individual, the ~~a~~Anticipated ~~L~~Loss ~~R~~Ratio, as defined in Rule 4-149.006(3)(b)20., F.A.C., is not less than the indicated ~~appropriate~~ adjusted entry in the loss ratio tables, in subsection (4), below.

(b)~~1~~ For ~~an~~ individual forms, and group policy forms other than annually rated group Ppolicy Fforms, approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following 1. through 3., below:

a.1- An Anticipated Loss Ratio test such that the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form. This is equivalent to the present value of the future A/E ratio not being less than 1.0; The current Anticipated Loss Ratio is not less than the greater of the initial filed loss ratio and the weighted average of the Anticipated Loss Ratios * N, as defined in Rule 4-149.006(4)(b), where the weights are the present value of premiums over the entire future lifetime by policy year or issue year; and

b.2- The current Llifetime LLoss RRatio, as defined in Rule 4-149.006(3)(b)24., F.A.C., is not less than the initial filed loss ratio for the form.; and

3- The Actual-to-Expected Claims Ratios, as defined in Rule 4-149.006(4)(a), for the Policy Form are, both in pattern and aggregate value, consistently at or in excess of .85.

- (c) through (d) No change.
- (3) through (4) No change.

(5)~~(a)~~ Group conversion insurance, other than long-term care and Medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above.

(b) The loss ratio for group conversion insurance shall not be less than 120%.

(c) The insurer may charge the excess of the group conversion loss ratio over that required for group insurance on active lives to the experience for insurance on active lives.

(d) The premium to be charged for group conversion insurance subject to Section 627.6675, Florida Statutes, shall may not exceed the limits of Section 627.6675(3), Florida Statutes based on the standard risk rates as established in Part X of this rule chapter.

(6) through (9) No change.

(10) Prohibitions. ~~The Department has determined that certain rating activities are against the public policy of this state and are therefore prohibited because the activities may result in premium escalations which are not viable for the policyholder or in unfair discrimination in sales practices, an example of which is inappropriate risk selection criteria.~~

(a) For all long term care policy forms and other ~~p~~Policy ~~f~~Forms under which more than fifty percent (50%) of the policies/certificates are issued to persons age 65 or older, ~~a~~Attained ~~a~~Age ~~p~~Premium ~~s~~Structures, as defined in Rule 4-149.006(4)(c), F.A.C., are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules, as defined in Rule 4-149.006(4)(~~t~~)(~~p~~), F.A.C. are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

~~(11) For each Individual Policy Form that has been actively offered for sale in the twelve (12) months immediately preceding October 1, 1993, a continuation decision must be provided to the Department on or before May 1, 1994. For existing Policy Forms that will continue to be made available for purchase and for all Policy Forms filed and approved after February 1, 1994, availability for purchase of the Policy Form shall not be discontinued at any future date without penalty. The penalty imposed is that a new Policy Form providing similar benefits cannot be filed for a period of five (5) years from the date of discontinuance, unless the Department determines that a shorter period is appropriate, as provided for in Section 627.410(6)(e), Florida Statutes.~~

Specific Authority 624.308(1), 627.410(6)(b),(d) FS. Law Implemented 627.410(6)(d),(e), 627.411(1)(e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, _____.

4-149.006 Actuarial Memorandum and Definitions.

(1) through (2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 19. No change.

20. Anticipated Loss Ratio: ~~This loss ratio is defined as the~~ The present value of future benefits divided by the present value of future annual premiums computed over the eEntire ~~f~~future ~~l~~lifetime of the ~~p~~Policy ~~f~~Form. ~~The assumptions as to persistency and interest used in the present values must be justified and consistent with those used for pricing.~~

a. When claim cost projections include the effect of medical trend, premium projections shall also include the effects of such trend. Projections shall assume future premium schedule increases consistent with benefit projections and medical trend.

b. This section shall also include the aAnticipated ~~l~~Loss ~~r~~Ratio ~~and the Anticipated Loss Ratio*N for each policy year and the current approved durational loss ratio table for the form.~~

(I) If the durational loss ratio table is proposed to be amended, the currently approved table and the table proposed for approval shall be provided, together with a justification for the new table.

(II) The proposed new table shall be consistent with the claim projections contained in the filing.

(III) If approved, the new table will be used in filings made subsequent to the one in which it is being proposed.

(IV) A new table shall produce a lifetime loss ratio at least as great as the lifetime loss ratio developed from the current approved loss ratio table and shall be the lifetime standard for the form.

(V)(A) When the durational loss ratio table or persistency and interest assumptions are changed from those used in prior filings, any rate increase due to the change shall be uniformly implemented over a 3-year period.

(B) The insurer may request a shorter phase-in period if it can be demonstrated that the shorter period is not expected to result in greater than a 5 percent reduction in persistency, or a 25 percent increase in lapse rate, from what had been assumed in the most recently approved rate filing.

(C) At its option, a company may request a new business rate based on the full effect of the new assumptions with the phase-in only applicable to inforce insureds.

(D) When a new business rate is elected, the rate analysis for the form shall be based on the new business rate schedule level.

21. through 22. No change.

23. Experience on the Form (Past and Future Anticipated): This section shall display the actual experience on the form and that expected for the future. Experience from inception (or the last three years for annually rated group coverages, with no separation of experience data by issue year required) shall be displayed, although, with proper interest adjustment, the experience for calendar years more than 5 ~~five~~ years in the past may be combined. For each calendar year and, where appropriate, each policy year or issue year, the following information shall be displayed:

- a. Year,
- ~~b. Collected premium,~~
- ~~b.e. Earned premium,~~
- ~~c.d. Paid claims,~~
- ~~e. Paid loss ratio $(=(d)/(b))$,~~
- ~~d.f. Change in claim liability and reserve,~~
- ~~e.g. Incurred claims $(=(c)+(d))$ $(=(d)+(f))$,~~
- ~~f.h. Incurred loss ratio $(=(e)/(b))$ $(=(g)/(e))$,~~
- ~~g. Expected loss ratio,~~
- ~~h.i. Expected incurred claims,~~
- ~~i.j. Actual-to-expected claims $(=(e)/(h))$ or $(=(f)/(g))$ $((g)/(i))$,~~
- ~~j.k. Active Life Reserves,~~
- k. Earned premium on a manual rate basis, i.e. removing the impact of adjustments to the approved rate manual, such as underwriter adjustments, the impact of any rate limits and experience rating.

l. Earned premium on a constant rate basis.

For future years, all columns except (c) and (d) (e), (g), and (h), shall be displayed. For periods where the actual claim runoff is complete, that data shall be displayed to replace (e)(f). Past experience shall be presented on both an actual basis and a constant premium rate basis. The experience exhibit shall be available to be submitted electronically in an Excel worksheet upon request directly to the assigned analyst.

24. Lifetime Loss Ratio: This is the loss ratio determined over the rating period for annually rated groups. For other forms, the loss ratio is derived by dividing A by B where:

a. A is the sum of the accumulated incurred claims from the original effective date of the pPolicy fForm to the evaluation date effective date of the revision, and the present value of future incurred claims over the eEntire fFuture lLifetime of the pPolicy fForm; and

b. B is the sum of the accumulated earned annual premiums from the original effective date of the pPolicy fForm to the evaluation date effective date of the revision, and the present value of future earned annual premiums over the eEntire fFuture lLifetime of the pPolicy fForm.

c. Where the evaluation date is the endpoint of the actual experience review period.

25. through 27. No change.

28. Actuarial Certification:

a. Certification by a qualified actuary that to the best of the actuary's knowledge and judgment;

(I) Tthe entire rate filing is in compliance with the applicable laws of the State of Florida and with the rules of the Department of Insurance;

(II) and Ccomplies with Actuarial Standard of Practice No. 8, "Regulatory Filings for Rates and Financial Projections for Health Plans," as adopted by the Actuarial Standards Board, January, 1989, which standard is hereby adopted and incorporated by reference; and

(III) that Tthe benefits are reasonable in relation to the proposed premiums.

b. In making the certification, the definition of reasonableness means that the premiums are not excessive, not inadequate, and not unfairly discriminatory as these terms are described in Rule 4-149.005, F.A.C.

c. A copy of the standard may be obtained from the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328.

d. A qualified actuary is one who is member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.

e. If the actuary provides a qualified opinion, a detailed explanation and reason for the qualification shall be provided as part of the certification.

f. In providing the actuarial opinion and certification, the actuary shall consider actuarial standards of practice and the qualification standards for prescribed statements of actuarial opinion.

(4) Definitions.

(a)1. Actual-to-Expected (A/E) Claims ratio: The expected claims are the product of the anticipated loss ratio and the earned premium, both on a policy year or issue year basis. The ratio of is actual incurred claims under the policy form divided by expected claims. This is equivalent to the actual or projected annual loss ratio divided by the applicable durational loss ratios.

2. For projected periods, the A/E ratio is the ratio of the projected claims divided by the expected claims.

3. Both the year-by-year pattern of the A/E these ratios and the aggregate past, future, and lifetime inception to date total ratios shall be presented.

(b) Annually Rated Group Policies: Group policies, including major medical coverage, which meet all of the following criteria: Anticipated Loss Ratio*N: For each value of N, this is the anticipated loss ratio with the first (N-1) policy years removed and is read "the anticipated loss ratio star N". The present value calculations use pricing assumptions. These values shall be provided for each policy year for each new policy filing. These shall be updated for each rate filing to reflect any change in the minimum lifetime loss ratio for the policy form.

1. The policies are funded on a 1 year basis to satisfy loss ratio requirements.

2. The policies are expected to be repriced annually based on trend and demographic changes.

3. Effects of underwriting, if any, are part of the composite assumptions so that durational claims experience is incorporated into the composite rate.

4. Aging is not pre-funded, as in a Medicare supplement or long term care policy.

(c) through (d) No change.

(e) Credible Data:

1. If a policy form has 2000 or more policies inforce, then full (100%) credibility is given to the experience; if fewer than 500 policies are inforce, then zero (0%) credibility is given.

2. Linear interpolation is used for inforce amounts between 500 and 2000.

3. For group policy forms, the numbers in this definition refer to group certificates, not policies.

4. A combination of Florida and nationwide data shall be used only if Florida-only data is not fully credible.

5. When the nationwide experience is less than fully credible, the indicated rate increase from the experience shall be weighted with medical trend, for products subject to medical trend, or zero for products not subject to medical trend, for the complement of the experience credibility factor.

6. For policy forms with low expected claims frequency, such as accident and long term care, at least 1,000 claims, over not to exceed the most recent 5 year period, shall be assigned 100% credibility, 200 claims shall be assigned 0% credibility with claims between 200 and 1,000 being linearly interpolated. ~~Specific alternate credibility standards for particular lines of business shall be submitted to the Department by affected insurers no later than 4/1/94. The Department shall consider such alternate standards and commence formal rulemaking no later than 6/1/94. Prior to and ending on the effective date of such rules, alternate credibility standards advanced by any insurer for a particular line of business shall be considered by the Department. In order for those alternate standards to be acceptable, the insurer must demonstrate that the standards are based on sound actuarial principles and that the resulting loss ratios are in substantial compliance with the requirements of rules 4-149.003 and 4-149.006.~~

(f) Durational Loss Ratio Table: The table of annual loss ratios where:

1. A loss ratio is the ratio of incurred claims divided by earned premium for each policy duration, by policy duration determined from the original actuarial memorandum when the form was first approved or subsequently filed and approved under this chapter:

2.a. The durational loss ratio table is proportionally adjusted by the current lifetime loss ratio standard for the form divided by the new lifetime loss ratio standard for the form that reflects the current average annual premium pursuant to the provisions of Rule 4-149.005(4), F.A.C., at the time of the filing:

b.(I) When the loss ratio is adjusted pursuant to 2.a. above, the lifetime loss ratio standard for the form shall be the prior lifetime standards weighted by the accumulated earned premiums applicable to each standard with the new lifetime loss ratio standard weighted by the present value of projected premiums.

(II) If the company is unable to provide the historical information necessary to calculate the appropriate weighting, the new standard will be the lifetime loss ratio as determined by 2.a. above.

3. The approved durational loss ratio table is the durational loss ratio table contained in the filing when the form was originally approved, or any subsequent durational loss ratio table filed and approved by the department.

(g) Earned Premium:

1. The portion of the total premium paid by the insured attributable to the period of coverage elapsed. This includes all modal loadings, fees, or charges that are required to be paid by the insured.

2. Premium shall be earned uniformly over the period for which coverage is provided.

3. Sections 627.6043(2) and 627.6645(4), Florida Statutes, provide for the company to have a short rate table approved. If approved, the short rate table is used in lieu of uniform earning (pro-rata) for determining refunds upon cancellation and shall not be incorporated for rate filing purposes.

(h)(f) Entire Future Lifetime: This is the maximum period over which the policy would be in effect if not terminated by action of the insurer or the insured.

1. For individual policies, the minimum acceptable period for calculation purposes is the number of years before fewer than 5 percent % of the original policyholders remain inforce. This period is determined using the anticipated termination rates for the form.

2. For ~~annually rated~~ group policies, the ~~e~~Entire ~~f~~Future ~~L~~Lifetime is the rating period. ~~Policy Forms which have had rate revisions prior to the effective date of this rule with a projection period shorter than the entire lifetime of the policy shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection period for future rate revisions.~~

(i) Expected Claims: The actual earned premium, or for projected periods the projected premium, times the applicable policy durational loss ratio from the approved durational loss ratio table which was in effect at the time period covered by the premiums.

(g) through (i) renumbered (j) through (l) No change.

(m) Incurred Claims: Incurred claims are claims occurring within a fixed period, whether or not paid during the same period, under the terms of the policy form.

1. Claims include scheduled benefit payments, reimbursement benefit payments, or services provided by a provider or through a provider network for medical, dental, vision, disability, and similar health benefits.

2. Claims do not include state assessments, taxes, company expenses, or any expense incurred by the company for the cost of adjusting and settling a claim, including the

review, qualification, oversight, management or monitoring of a claim or incentives or compensation to providers for other than the providing of health care services.

3. A company may at its discretion include other costs that are demonstrated to reduce claims, such as a fraud intervention program or case management costs, which are identified in each filing, and are demonstrated to reduce claims costs and do not result in increasing the experience period loss ratio by more than 5 percent.

(j) through (n) renumbered (n) through (r) No change.

~~(s)(e)~~ Renewal Clauses:

1. through 2. No change.

3. ~~a.~~ Guaranteed Renewable ~~means~~ includes:

a. Policy forms where the ~~that~~ renewal cannot be declined by the insurer for any reason other than fraud, misrepresentation, or failure to pay the premium when due, but the insurer can revise rates on a class basis.

b.(I) Policy forms subject to Section 627.6425 or 627.6571, Florida Statutes.

(II) When an insurer discontinues offering a particular policy form for health insurance coverage offered in the individual market pursuant to Sections 627.6425(3)(a) or 627.6571(3)(a), Florida Statutes, the nonrenewal of coverage must occur on the policy anniversary, and the offer of new coverage pursuant to Sections 627.6425(3)(a)2. or 627.6571(3)(a)2., Florida Statutes, shall be considered a renewal of coverage and renewed on the original policy anniversary at the same class basis as the coverage being discontinued. If the forms do not have consistent class definitions, the class shall be determined based on the original application and underwriting status of the individual when the discontinued coverage was first issued.

4. through 5. No change.

~~(t)(p)~~ Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the policy. These do not include rate schedules that reduce over time due to temporary risk charges, a one-time policy fee, or reducing benefits.

~~(u)(q)~~ No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 627.410(1),(2),(6), 627.411(1)(e) FS. History—New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95,_____.

4-149.007 Annual Rate Filing Procedures.

(1) This rule applies to every insurer writing health insurance, defined as insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto but excluding workers' compensation coverages and noncancelable policies.

(2) Each insurer shall make an annual filing with the Department for each policy form or pooled block of forms no later than 12 months after the date of approval of its previous filing for the policy form, demonstrating the reasonableness of benefits in relation to premium rates.

~~(a) The first such filing for each policy form for each company shall be submitted on or after October 1, 1989, but in no event later than March 1, 1990, or 14 months after the date of its last rate filing approval date preceding October 1, 1989.~~

~~(b) Subsequent rate filings shall be submitted no later than 12 months after the previous filing approval date for each policy form.~~

(3) through (4) No change.

(5) Filing Preparation. Filings shall be prepared in accordance with Rule 4-149.003, and in accordance with either (a), ~~or~~ (b), ~~or~~ (c) below.

~~(a) For significant blocks of business (defined as 500 or more policies or certificates in force nationwide), filings shall be in accordance with either 1., 2., or 3., below:~~

~~(a)1-~~ A rate filing in accordance with Rule 4-149.003, F.A.C., which shall be prepared under the direction of an actuary and which contains documentation that the proposed benefits are reasonable in relation to the premium rates, pursuant to the applicable rating laws and rules adopted by the Department.

~~(b)1,2-~~ If no rate change is proposed and the form is other than Medicare supplement, a filing shall be prepared which consists of:

a. A cover letter indicating the nature of the filing; and

b. A certification by an actuary that benefits are reasonable in relation to premiums currently charged in accordance with the applicable rating laws and rules adopted by the Department.

2. The Such certification shall is to be attached to the applicable standardized data letter, Form DI4-1507 as adopted in Rule 4-149.022, F.A.C.

3. The certification shall comply with Rule 4-149.006(3)(b)28., F.A.C.

(c) For noncredible blocks of business on a nationwide basis, the company may request a waiver of the requirement. The request shall be made annually and be accompanied by a letter indicating the nature of the filing, the type of product, and the reason for the request.

~~(b) For insignificant blocks of business (defined as desired by the company but no greater than 500 policies in force nationwide)-:~~

~~1. By any of the methods described in paragraph (a), above.~~

~~2. The Department may waive the requirement for a certification of reasonableness so long as the insurer's solvency is not affected.~~

~~(e) As used in this rule, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.~~

~~(6) Requests for Extension. If a filing is under preparation on the date it is required to be filed, the insurer may apply to the Department for an extension for up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Department in Tallahassee prior to the date the filing is due.~~

~~(7) Filing Date. A filing is considered to be made with the Department on the date the filing is received by the Department.~~

(6) When a company using a current rate schedule is unable to demonstrate compliance with the loss ratio standards in Rule 4-149.005, F.A.C., it shall reduce rates, enhance benefits, or a combination of both to satisfy the standards. In making the determination under the current rate schedule, the company may assume up to a 15 percent margin in projected claim costs.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 5-14-92, Amended.

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	CREDIT LIFE AND CREDIT	RULE CHAPTER NO.:	
	Disability Insurance		4-163
RULE TITLES:		RULE NOS.:	
	Applicability		4-163.0015
	Definitions		4-163.0017
	Premium Rates		4-163.002
	Cancellation and Refund Requirements		4-163.003
	Filing Requirements		4-163.0045
	Limits of Coverage; Credit Life		4-163.0055
	Terms and Evidence of Insurance		4-163.0075
	Provisions Required in Group Contracts		4-163.0076
	Rights and Treatment of Debtors		4-163.008
	Determination of Reasonableness of Benefits		
	in Relation to Premium Charge		4-163.009
	Credit Life Insurance Rates		4-163.010
	Credit Disability Insurance Rates		4-163.011
	Experience Reports		4-163.012
	Effective Date		4-163.013
PURPOSE AND EFFECT:	The purpose and effect is to update prima facie rates regarding credit life and credit disability insurance based on a current study of statewide experience as required by Section 627.67, Florida Statutes. The rule also adds definitions of certain types of new products and details rate filing requirements.		
SUBJECT AREA TO BE ADDRESSED:	Credit Life and Credit Disability Insurance.		

SPECIFIC AUTHORITY: 624.308(1), 627.678 FS.
 LAW IMPLEMENTED: 624.307(1), 624.424(1),(6), 627.553, 627.558(1), 627.569, 627.575, 627.676, 627.677, 627.678, 627.678(2), 627.6785, 627.6785(3), 627.681, 627.681(3), 627.682 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 22, 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: Yvonne White, (850)413-4214.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Bureau of L & H Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-163.0015 Applicability.

(1) Section 627.677, Florida Statutes, and this rule chapter apply to all insurance sold in conjunction with a credit transaction.

(2) A policy or certificate is deemed to be credit insurance if it:

(a) References the lender or credit transaction within the form;

(b) Has the lender as a beneficiary or assignee of any of the proceeds of the policy; or

(c) Conditions the coverage upon the existence, term or coverage of a credit transaction.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.676, 627.677 FS. History--New

4-163.0017 Definitions.

As used in this rule chapter, the following terms have the following meaning:

(1) Actual Net Debt. Obligation remaining of the principal on a loan at any given time.

(2) Actuarial Assumptions. The value of a parameter, or other choice, having an impact on an estimate of a future cost or other actuarial item under evaluation.

(3) Actuarial Present Value. The value of an amount or series of amounts payable or receivable at various times, determined as of a given date with each value based on the same set of actuarial assumptions.

(4) Actuarially Equivalent. Producing equal actuarial present value, determined as of a given date with each value based on the same set of actuarial assumptions.

(5) Class of Business:

(a) Credit unions;

(b) Commercial and savings banks;

(c) Finance companies;

(d) Motor vehicle dealers;

(e) Other sales finance;

(f) Production credit associates; bank agricultural loans;

(g) All others.

(6) Credibility. The statistical extent to which the past experience of a case can be expected to recur in the future.

(7) Decreasing Gross Coverages. Coverage where the amount of insurance is decreased by the amount of the payment as the debtor makes each monthly payment. This results in the amount of insurance being equal to the sum of the remaining payments during the policy term.

(8) Evidence of Insurability. Any questions other than name, age, address, phone number, etc. which the applicant must answer favorably to the company in order to receive coverage.

(9) Experience. Earned premium, incurred claims, incurred claims count, number of life years insured, and average amount of insurance during the experience period.

(10) Joint Credit Life Or Credit Health. Insurance on the life of the debtor and the spouse of the debtor, partners, or any other legal cosigner.

(11) Prima Facie Rate. Maximum allowable rate pursuant to Section 627.6785(2), Florida Statutes, shall be those contained in Rules 4-163.010 and 4-163.011, F.A.C., for coverage(s) which do not restrict for any pre-existing condition.

(12) Open-End Credit:

(a) Credit extended by a creditor under an agreement in which the creditor reasonably contemplates repeated transactions;

(b) The creditor imposes a finance charge from time to time on an outstanding unpaid balance; and

(c) The amount of credit available to the debtor is self-replenishing as the debtor repays amounts previously drawn.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.575, 627.677, 627.6785 FS. History—New

4-163.002 Premium Rates.

(1)(a) Premium rates for Credit Life and Credit Disability Insurance shall be filed with the Department Insurance Commissioner, and

(b) The creditor (person, firm or corporation) shall not add any additional charge to the premium set by the insurance company and on file with the Department Insurance

Commissioner. In the case of Group Credit Life insurance or Group Credit Disability insurance, the amounts paid by the insured borrowers or purchasers for the insurance shall be consistent with the premiums set by the insurance company. By consistent this Department understands a variation not exceeding two and one-half cents per hundred dollars of original indebtedness per year.

(2) The premium paid for the insurance by the insured borrower or purchaser shall equal the premium based upon the applicable rate or rates filed and approved by the Department. In the case of Franchise Credit Life insurance, the premium paid by the insured borrower or purchaser for the insurance shall not exceed the premium rate filed by the insurance company with the Insurance Commissioner.

(3) In the case of Individual Credit Life insurance and Individual Credit Disability insurance, the premium paid by the insured borrower or purchaser shall not exceed the premium rate filed by the insurance company with the Insurance Commissioner.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 627.307(1), 627.6785 FS. History—Repromulgated 12-24-74, Formerly 4-7.02, 4-7.002, Amended

4-163.003 Cancellation and Refund Requirements.

Cancellation and refunds shall be required in accordance with the following provisions applicable to each classification, in order to best protect the borrower from loss of funds by short-rate cancellation or termination of insurance, and to further avoid duplication or overlapping of insurance coverage when the loan is prepaid, refinanced or renewed.

(1) At the time the indebtedness is discharged, any remaining insurance coverage must be promptly terminated. Group Credit Life insurance and Group Credit Disability insurance — if through prepayment, renewal or refinancing, the indebtedness is discharged prior to its scheduled maturity date, and the insurance coverage is thereby automatically terminated, the return of any unearned premium shall be paid promptly or credited to the person entitled thereto.

(2) Upon termination of the insurance coverage, the company shall promptly return the unearned premium to the insured. Franchise Credit Life insurance — if through prepayment, renewal or refinancing, the indebtedness is discharged prior to its scheduled maturity date, and the insurance coverage is thereby automatically terminated, the return of any unearned premium shall be paid promptly or credited to the person entitled thereto provided that, if Franchise Credit Life insurance is written on a plan under which the insurance coverage is not automatically terminated upon discharge of the indebtedness, cancellation of the insurance then in force shall be mandatory. Provided cancellation of insurance then in force shall not be mandatory if an indebtedness (a) is subject to Sections 516.01 to 516.26 or Sections 519.01 to 519.19, Florida Statutes, discharged by prepayment at any time; or (b) is discharged by prepayment

one year or less prior to its scheduled maturity; or (e) is refinanced by the same creditor and no credit life insurance or credit disability insurance, as the case may be, is written in connection with the refinanced indebtedness.

(3) ~~In addition to the above, a refund of 100% of any payment made in advance of a scheduled payment date subsequent to the date of termination shall be returned to the insured. Individual Credit Life insurance and Individual Credit Disability insurance — if through prepayment, renewal or refinancing, any indebtedness, other than those hereinafter provided for, is discharged prior to the scheduled maturity date, cancellation of the insurance then in force shall be mandatory. Provided, cancellation of the insurance then in force shall not be mandatory if an indebtedness (a) is subject to Sections 516.01 to 516.26 or Sections 519.01 to 519.19, Florida Statutes, is discharged by prepayment at any time; or (b) is discharged by prepayment one year or less prior to its scheduled maturity; or (c) is refinanced by the same creditor and no credit life insurance or credit disability insurance, as the case may be, is written in connection with the refinanced indebtedness. In the event of cancellation, the return of any unearned premium shall be paid promptly or credited to the person entitled thereto.~~

(4) ~~In the event of Franchise Credit Life insurance or Individual Credit Life insurance, where retention of insurance is permitted, the option to cancel or to retain shall be set forth in writing either as part of the policy or certificate, or as a separate statement furnished to the debtor at the same time as the policy or certificate. NOTE: The following wording is acceptable to this Department for use in Franchise and Individual Credit Life Insurance policies and certificates and Individual Disability Insurance policies:~~

~~“This policy may be cancelled or continued by the insured in accordance with the laws and rules and regulations of the State of Florida. In the event of the cancellation of the credit insurance prior to the expiration date, the return premium (or any unearned premium due) shall be paid promptly or credited to the person entitled thereto.”~~

(5) ~~The formula to be used in computing return premiums (or unearned premiums) shall be filed with and approved by the Insurance Commissioner. The minimum basis adopted by any company shall not be less than the Rule of 78 and its projections; however, if the refund or credit is less than \$1.00, no refund or credit is required.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.553, 627.569, 627.681, 627.678(2) FS. History—Repromulgated 12-24-74, Formerly 4-7.03, 4-7.003, Amended _____.

4-163.0045 Filing Requirements.

(1) All forms of Credit Life and Credit Disability policies, certificates of insurance, statements of insurance, applications for insurance, enrollment forms, binders, endorsements and

riders and the schedules of premium rates pertaining thereto, shall be filed in accordance with Sections 627.6785 and 627.682, Florida Statutes.

(2) A standardized data letter, Form DI4-1507 (1/02), Life and Health Forms and Rates Universal Standardized Data Letter, completed in accordance with Form DI4-1507A (1/02), Life and Health Forms and Rates Universal Standardized Data Letter Instructions, shall accompany each filing and annual rate filing or the filing shall be returned incomplete. Forms DI4-1507 and DI4-1507A are adopted in Rule 4-149.022, F.A.C.

(3) An actuarial memorandum, signed and dated by an actuary, shall be included in each rate and form filing. The memorandum shall identify the following:

(a) Types of coverage: gross, net, decreasing, level, single life, joint life, full term or truncated;

(b) Types of loans to be insured: open end credit, closed end credit;

(c) Durations of the loans and durations of the coverage. Refer to Rules 4-163.005, 006, and 007, F.A.C.;

(d) Methods of premium charge: single premium or monthly outstanding balance;

(e) Schedules of premium rates and formulas for each type of coverage and how the rates relate to prima facie rates;

(f) Methods of refund calculation and formulas for each type of coverage; and

(g) Reserve bases.

(4) Each filing, except prima facie rates, shall be accompanied by the development and justification, including experience and credibility, of the proposed rate together with an opinion by an actuary certifying to the reasonableness of the rate, compliance with applicable laws and this rule chapter, and disclosure of the methods and assumptions used to develop compliance with this rule chapter. Each filing shall also include the company's most recent annual Credit Insurance Experience Exhibit (CIEE) report as provided by the National Association of Insurance Commissioners' Annual Statement and Instructions, as adopted in Rule 4-137.001(4), F.A.C.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.682, 627.6785 FS. History—New _____.

4-163.0055 Limits of Coverage; Credit Life.

(1) The amount of Credit Life insurance for decreasing gross coverage shall be within the limits in Section 627.679, Florida Statutes.

(2) If Credit Life Insurance coverage is written on the actual net debt, the amount of credit life insurance shall not exceed the amount of the loan, and the amount payable at the time of loss shall not be less than the actual net debt, less any payments more than 2 months overdue.

(3)(a) If a premium is assessed to the debtor on a monthly basis and is based on the actual net debt, then the amount of insurance payable at the time of loss shall be the actual net debt.

(b) When the premium for Credit Life insurance is computed on the basis of a balance which does not include accrued past due interest, then the amount payable at the time of loss shall not be less than the actual net debt less any accrued interest more than 2 months past due.

(4) Credit Life Insurance Coverage may, at the option of the insurer, be written for less than the net debt by the following methods:

(a) The amount of insurance may be the lesser of a stated level amount and the amount determined by subsection (2) of this rule; or

(b) The amount of insurance may be a constant percentage of the amount determined by subsection (2) of this rule.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.679, 627.681 FS. History—New

4-163.0075 Term and Evidence of Insurance.

The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:

(1) for credit life insurance, coverage may be terminated at age 71;

(2) for credit disability insurance, coverage may terminate at age 66;

(3) credit life insurance shall provide coverage for at least 5 years or the term of the loan if less than 5 years; and

(4) credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New

4-163.0076 Provisions Required in Group Contracts.

All Group Credit Disability contracts shall conform to section 627.558, Florida Statutes, and shall contain the substance of the following statutory provisions (as appropriate):

(1) 627.559 – Grace period.

(2) 627.560 – Incontestability.

(3) 627.561 – Application: statements deemed representations.

(4) 627.562 – Insurability.

(5) 627.563 – Misstatement of age.

(6) 95.11(2)(b) – Limitations other than for the recovery of real property.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.558(1) FS. History—New

4-163.008 Rights and Treatment of Debtors.

(1) In the event of termination, an insurer may, at its option;

(a) Refund unearned premium on a daily pro rata basis, or

(b) may ~~make~~ no charge for credit insurance for the first 15 days of a loan month and charge for a full month ~~may be charged~~ for 16 days or more of a loan month.

(2) Voluntary prepayment of indebtedness.

(a) If a debtor prepays the indebtedness other than as a result of death or through a lump sum disability payment, and if a disability claim under such coverage is in progress at the time of prepayment, the amount of refund shall ~~may~~ be determined as if the prepayment did not occur until the payment of benefits terminates.

(b) No refund shall ~~need~~ be paid during any period of disability for which credit accident and health benefits are payable. A refund shall be computed as if prepayment occurred at the end of the disability period.

(3) Involuntary prepayment of indebtedness. If an indebtedness is prepaid by the proceeds of a credit life insurance policy covering the debtor or by a lump sum payment of a disability claim under a credit insurance policy covering the debtor, then it shall be the responsibility of the insurer to ~~ensure see~~ that the following are paid to the insured debtor, if living, or the beneficiary, other than the creditor, named by the debtor, or to the debtor's estate:

(a) In the case of prepayment by the proceeds of a credit life insurance policy, or by the proceeds of a lump sum total and permanent disability benefit under credit life coverage, an appropriate refund of the credit disability insurance premium in accordance with Rule 4-163.003, F.A.C.

(b) In the case of prepayment by a lump sum disability claim, an appropriate refund of any credit life insurance premium in accordance with Rule 4-163.003, F.A.C.

(c) In the ~~either~~ case of (a) or (b), above, the amount of the benefits in excess of the amount required to repay the indebtedness after reducing the indebtedness by any unearned interest or finance charges.

(d) 1. The refund of unearned premium shall be calculated from the date of the event repaying the indebtedness.

2. An accelerated death prepayment is considered to be a prepayment due to the credit life insurance benefit.

3. Refunds due for the premiums of the life benefit shall include the cost of the accelerated death benefit.

(4) Termination of group or franchise credit insurance policy.

(a) If a debtor is covered by a group or franchise credit insurance policy providing for the payment of single premiums to the insurer, ~~then~~ the provision shall be made by the insurer that ~~if in the event of termination of the policy is terminated~~ for any reason, insurance coverage with respect to any debtor insured under ~~the such~~ policy shall be continued for the entire period for which the single premium has been paid.

(b) ~~L~~. If a debtor is covered by a group or franchise credit insurance policy providing for the payment of premiums to the insurer on a monthly outstanding balance basis, ~~then~~ the policy shall provide that, ~~if the in the event of termination of such policy is terminated~~ for any ~~whatever~~ reason, termination notice ~~thereof~~ shall be given to the insured debtor at least 30 days prior to the effective date of termination, except where replacement of the coverage by the same or another insurer in the same or greater amount takes place without lapse of coverage.

2. The notice required to be given in this paragraph shall be the responsibility of the insurer, but may at the option of the insurer be provided through the creditor.

(5) Refinancing the Debt.

(a) If the debt is discharged due to refinancing prior to the scheduled maturity date, the insurance in force shall be terminated at the earlier of:

1. The issuance of any new insurance in connection with the refinanced debt; and

2. The date the debt is discharged.

(b)1. In all cases of termination prior to scheduled maturity, a refund of all unearned premium or unearned insurance charges paid by the debtor shall be paid or credited to the debtor.

2. In any refinancing of the debt, the effective date of the coverage provided by any policy or certificate shall be deemed to be the first date on which the debtor became insured under the policy with respect to the debt which was refinanced, at least to the extent of the amount and term of the debt outstanding at the time of refinancing the debt.

~~Remittance of premiums. If the creditor adds identifiable insurance charges or premiums for credit insurance to the indebtedness, and any direct or indirect finance, carrying, credit, or service charge is made to the debtor on such insurance charges or premiums, the creditor must remit and the insurer shall collect such premium within sixty (60) days after it is added to the indebtedness.~~

(6) Maximum Aggregate Provisions. A provision in an individual policy or group certificate that sets a maximum limit on total claim payments shall apply only to that individual policy or group certificate.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History--New 5-9-82, Formerly 4-7.08, 4-7.008, Amended.

4-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

~~(1) General Standard. Section 627.682, Florida Statutes, requires that Under the Credit Insurance Law, benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged, based on a statewide basis or by account, develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:~~

- ~~(a) 55% for credit life insurance, and~~
- ~~(b) 50% for credit accident and health insurance.~~

~~On the basis of relevant experience, use of rates not greater than those contained in Rule 4-163.010 and 4-163.011 ("prima facie rates") shall be deemed currently reasonable premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory showing to the Commissioner that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio. Furthermore,~~

~~(2) If the extent to which an actual rate is greater than the prima facie rates, that set forth the actual rate may not exceed the prima facie rates plus the difference between:~~

- ~~(a) Claims which may be reasonably expected, and~~
- ~~(b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.~~

~~(2) The Commissioner shall, on a triennial basis, review the loss ratio standards set forth in subsection (1), above, and the prima facie rates set forth in Rules 4-163.010 and 4-163.011 and determine therefrom the rate of expected claims on a statewide basis, compare such rate of expected claims with the rate of claims for the preceding triennium determined from the incurred claims and earned premiums at prima facie rates reported in the annual statement supplement, and adopt the adjusted actual statewide prima facie rates to be used by insurers during the next triennium.~~

~~(3) When some rates are based on (1) above and others on the prima facie rate, the expected loss ratios of any business remaining at prima facie rates must meet the minimum loss ratio standard in (1) above. Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 4-163.010 and 4-163.011, the insurer shall demonstrate to the satisfaction of the Commissioner that the premium rates to be charged for such restricted coverage shall comply with (1) above or, are less than or equal to rates which are to actuarially consistent with the structure prima facie rates.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History--New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, Amended.

4-163.010 Credit Life Insurance Rates.

(1) ~~Premium Rate.~~ Rates for decreasing gross coverage Credit life insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than as set forth in paragraphs (a) and (b) below. Paragraph (c) refers to premium rates for other types of coverage, either alone or in combination with the type of coverages applicable to (a) and (b).

(a) ~~If premiums are payable on a monthly outstanding balance basis.~~ ~~\$0.62 \$0.78~~ per month per \$1,000 of outstanding insured indebtedness ~~if premiums are payable on a monthly outstanding balance basis.~~

(b) If premiums are payable on a single premium basis, the following rates shall be deemed the actuarial equivalent of the above monthly outstanding balance rate.

Coverage Type	Single Premium Rate per \$100 Per Year of Initial Insured Indebtedness
Single Decreasing Life	\$0.40 \$0.50
Joint Decreasing Life	\$0.70 \$0.87

(c) If premiums are payable on a single premium basis when the benefit provided is level term, the following rates shall be deemed the actuarial equivalent of the above outstanding balance rate.

Coverage Type	Single Premium Rate per \$100 Per Year of Initial Insured Indebtedness
Single Level Life	\$0.74 \$0.93
Joint Level Life	\$1.30 \$1.62

(d) Premiums charged for dismemberment insurance in the amount of life insurance in force shall not exceed 10% of the amounts specified above.

(e) If the coverages provided are other than those described in subsection (1) above, rates for such coverages shall be actuarially equivalent consistent with the rates provided in subsection (1) Paragraphs (a) (b) and (c).

(f) The prima facie rate for accelerated death benefit coverage is:

1. For single premium, decreasing term coverage	<u>\$.03/\$100/month</u>
2. For single premium, level term coverage	<u>\$.05/\$100/month</u>
3. For single premium, decreasing term joint life coverage	<u>\$.06/\$100/month</u>
4. For single premium level term joint life coverage	<u>\$.08/\$100/month</u>

(2)(a) The premium rates in subsection (1) above, shall apply to policies providing credit life insurance to be issued with or without evidence of insurability, to be offered to all debtors, and containing:-

1.(a) No exclusions other than suicide within ~~6~~ six months of the incurred indebtedness; and

2.(b) Either no age restrictions or only age restrictions making ineligible for coverage debtors 71 or over at the time the indebtedness is incurred.

(b) Where coverage is provided subject to evidence of insurability the rates in subsection (1) above shall be reduced by 20% unless some other adjustment is justified by the company by the demonstration of actual experience or other pertinent data.

(c) ~~However, the coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 71. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age of 71.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History--New 5-9-82, Formerly 4-7.10, Amended 6-11-91, Formerly 4-7.010, Amended.

4-163.011 Credit ~~Disability Accident and Health~~ Insurance Rates.

(1) ~~Premium Rate.~~ Credit ~~disability accident and health~~ insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than ~~as set forth in~~ paragraphs (a) and (b). Paragraphs (c), (d), and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to (a) and (b).

(a) ~~As set forth in Table I,~~ If premiums are payable on a single-premium basis for the duration of the coverage, ~~or~~

TABLE I

No. of months in which indebtedness is repayable	14-Day	30-Day	7-Day	14-Day	30-Day
	Non-Retroactive	Non-Retroactive	Retroactive	Retroactive	Retroactive
6 or less	<u>\$0.81</u>	<u>\$0.36</u>	<u>\$1.47</u>	<u>\$1.30</u>	<u>\$1.05</u>
7-12	<u>\$1.13</u>	<u>\$0.72</u>	<u>\$1.76</u>	<u>\$1.58</u>	<u>\$1.36</u>
13-18	<u>\$1.46</u>	<u>\$1.08</u>	<u>\$2.05</u>	<u>\$1.87</u>	<u>\$1.67</u>
19-24	<u>\$1.78</u>	<u>\$1.44</u>	<u>\$2.34</u>	<u>\$2.16</u>	<u>\$1.97</u>
25-30	<u>\$2.11</u>	<u>\$1.80</u>	<u>\$2.64</u>	<u>\$2.45</u>	<u>\$2.28</u>
31-36	<u>\$2.43</u>	<u>\$2.16</u>	<u>\$2.93</u>	<u>\$2.74</u>	<u>\$2.58</u>
37-48	<u>\$2.84</u>	<u>\$2.70</u>	<u>\$3.34</u>	<u>\$3.10</u>	<u>\$2.97</u>
49-60	<u>\$3.16</u>	<u>\$2.97</u>	<u>\$3.69</u>	<u>\$3.38</u>	<u>\$3.28</u>
61-72*	<u>\$3.43</u>	<u>\$3.27</u>	<u>\$3.97</u>	<u>\$3.62</u>	<u>\$3.53</u>
73-84*	<u>\$3.61</u>	<u>\$3.47</u>	<u>\$4.18</u>	<u>\$3.79</u>	<u>\$3.70</u>
85-96*	<u>\$3.76</u>	<u>\$3.64</u>	<u>\$4.34</u>	<u>\$3.92</u>	<u>\$3.84</u>
97-108*	<u>\$3.86</u>	<u>\$3.75</u>	<u>\$4.46</u>	<u>\$4.01</u>	<u>\$3.94</u>
109-120*	<u>\$3.95</u>	<u>\$3.85</u>	<u>\$4.55</u>	<u>\$4.09</u>	<u>\$4.02</u>

*Maximum benefit is 60 monthly payments.

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.90	\$0.40	\$1.63	\$1.44	\$1.17
7-12	\$1.26	\$0.80	\$1.95	\$1.76	\$1.51
13-18	\$1.62	\$1.20	\$2.28	\$2.08	\$1.85
19-24	\$1.98	\$1.60	\$2.60	\$2.40	\$2.19
25-30	\$2.34	\$2.00	\$2.93	\$2.72	\$2.53
31-36	\$2.70	\$2.40	\$3.25	\$3.04	\$2.87
37-48	\$3.15	\$3.00	\$3.71	\$3.44	\$3.30
49-60	\$3.51	\$3.30	\$4.10	\$3.76	\$3.64
61-72*	\$3.81	\$3.63	\$4.41	\$4.02	\$3.92
73-84*	\$4.01	\$3.86	\$4.64	\$4.21	\$4.11
85-96*	\$4.18	\$4.04	\$4.82	\$4.35	\$4.27
97-108*	\$4.29	\$4.17	\$4.95	\$4.46	\$4.38
109-120*	\$4.39	\$4.28	\$5.06	\$4.54	\$4.47

*Maximum benefit period is 60 months.

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the following formula: $OPn = (20 \times SPn) / (n + 1)$ using a rate no less than the 24 month rate in table 1 above or according to a formula approved by the Commissioner. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where $SPn =$ Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I).

$$OPn = \text{Monthly Outstanding Balance Premium Rate per } \$1,000.$$

$$n = \text{Original repayment period, in months.}$$

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b). The actuarial equivalent of Paragraphs (a) and (b) shall be used if the coverage provided is a constant maximum indemnity for a given period of time.

(d) An appropriate combination of the premium rate for a constant maximum indemnity for a given period of time and the premium rate for a maximum indemnity which decreases in even amounts per month, if the coverage provided is a combination of a constant maximum indemnity for a given period of time after which the maximum begins to decrease in even amounts per month.

(d)(e) If the coverages provided are other than those described in this subsection (1) above, rates for such coverages shall be actuarially equivalent to the actuarially consistent with rates provided in paragraphs (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 170% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit accident and health insurance shall ~~may~~ be either a term specified rate or a rate based upon the minimum account payment may be a single composite term rate applicable to all insured loans.

(2) The premium rates in Subsection (1) shall apply to policies providing credit accident and health insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 six months following the effective date of coverage;

2. provided, however, that Ddisability commencing after 6 months following the effective date of coverage thereafter resulting from the such condition shall be covered.

3. Coverage with no pre-existing provision limitation Waiver of this provision shall result in an additional premium no greater than 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age of 66.

(e)(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(f)(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

3. Where coverage is provided subject to evidence of insurability, the rates in subsection (1) above shall be reduced by 20% unless some other adjustment is justified by the company by the demonstration of actual experience or other pertinent data.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History--New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended _____.

4-163.012 Experience Reports.

(1) Each insurer doing credit insurance business in this state shall maintain information and records so as to be able to complete the reports required by this section for each class of business submit experience reports as provided in this rule for the experience period of each class of business.

(2) "Class of business" means any of the following:

- (a) credit unions;
- (b) commercial and savings banks;
- (c) finance companies;
- (d) motor vehicle dealers;
- (e) other sales finance;
- (f) production credit associations; bank agricultural loans;
- (g) all others.

(2)(3)(a) The reports required by this rule shall be prepared on a calendar year basis no later than June 1 of each year for the immediate preceding calendar year submitted in the manner prescribed by forms set forth below in subparagraphs paragraphs 1. (a) through 5. (e) below.

(b) The Such experience reports shall be maintained by the company and shall be available and submitted within 30 days of a request by the Department, not later than June 1st of each calendar year following the effective date of this rule:

- 1.(a) Form DI4-272 – Credit Life and Disability Insurance Experience Report (A),
- 2.(b) Form DI4-273 – Credit Life Insurance Experience Report Prima Facie Earned Premium (B1),
- 3.(c) Form DI4-274 – Credit Disability Insurance Experience Report, Prima Facie Earned Premium (B2),
- 4.(d) Form DI4-275 – Credit Life Insurance Experience, Reconciliation to State Page (C1),
- 5.(e) Form DI4-276 – Credit Disability Insurance Report, Reconciliation to State Page (C2).

(3)(4) The prescribed forms listed in Ssubsection (2)(3) above are incorporated herein by reference and shall take effect on the effective date of this rule.

(4)(5) Copies of all forms listed in Ssubsection (2)(3) above may be obtained through the Bureau of Life and Health Rates and Forms, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-032832301.

(6) Nothing in this section shall be considered to alter or amend the requirements of insurers to submit credit insurance reports and exhibits in conjunction with their statutory financial statements.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 624.424(1),(6), 627.678, 627.682 FS. History--New 5-9-82, Formerly 4-7.12, 4-7.012, Amended _____.

4-163.013 Effective Date.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History--New 5-9-82, Amended 8-19-82, Formerly 4-7.13, 4-7.013, Repealed _____.

**DEPARTMENT OF EDUCATION
Commission for Independent Education**

RULE TITLES: RULE NOS.:
 Temporary Licensure of Colleges 6E-2.001
 Other Types of College Licensure 6E-2.002

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed at this meeting are the new stages of licensure for all independent postsecondary institutions, not limited to colleges. In the new law, Temporary Licensure is changed to Approved Applicant Status; there will no longer be two levels of Provisional Licensure for colleges; and a new type of licensure is created: Licensure by Means of Accreditation.

SPECIFIC AUTHORITY: 1005.31, 1005.32, 1005.33 FS.
 LAW IMPLEMENTED: 1005.21(1), 1005.31, 1005.32, 1005.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 3:00 p.m., Sunday, July 28, 2002
 PLACE: Marriott Marina, 1881 S. W. 17th Street, Ft. Lauderdale, FL 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)487-3673

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Base Funding for County

Emergency Management

Agencies, Emergency

Management Competitive

Grant Program and Municipal

Competitive Grant Program Rule 9G-19

RULE TITLES: RULE NOS.:

Definitions 9G-19.002

Competitive Awards Eligibility 9G-19.007

Procedures for Awarding Competitive Grants 9G-19.008

Selection Criteria for Competitive Grants 9G-19-009

PURPOSE AND EFFECT: To implement the proper revisions and changes that are needed to identify and clarify rule language in areas of concern from past Competitive Grant cycles. These changes will simplify existing language that will make the grant process easier for all parties involved.

SUBJECT AREA TO BE ADDRESSED: Redefinition of certain rules and requirements to allow clarification within the Competitive Grant process.

SPECIFIC AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 252.35, 252.373, 252.38 FS.

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

TIME AND DATE: 8:30 a.m. – 10:30 a.m., Monday, July 22, 2002

PLACE: Director’s Conference Room, Room 120L 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 the Administrative Secretary; Division of Emergency Management, Bureau of Compliance Planning; 2555 Shumard Oak Boulevard, Tallahassee, FL 32399, (850)413-9821, Suncom 293-9821, 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 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-19.002 Definitions.

(1) through (14) No change.

(15) “Administrative Expenses” for purposes of the competitive grant programs only, means the direct costs of staff managing the project and other direct costs for managing the project, as well as the applicant’s indirect rate, if any, applied to those direct costs of management. No more than 5% of the total Emergency Management Preparedness and Assistance program funds awarded for the project may be used for administrative costs as identified herein. The sum total of direct and indirect costs identified herein shall not exceed 5% of the total project costs.

(16) through (22) No change.

(23) “Application,” for purposes of the competitive grant programs only, means the original 15 page summary that will be submitted at or before the published application deadline, and will consist of the transmittal letter, signed title page, table of contents, criteria narrative, and proposed budget only.

(24) “Proposal,” for purposes of the competitive grant programs only, means the full complete presentation inclusive of all attachments or appendix items as referenced or identified in the original application. Applicants who receive notice that they will be receiving an award must submit a complete proposal with all identified documents within presentation that will be completed by all awarded applicants in a specific time frame, to be sent to the Division of Emergency Management with complete documentation.

(25) “Deliverable(s)” for purposes of the competitive grant programs only, means the item(s) that are identified, within the proposed application, which upon submission to the Division of Emergency Management will demonstrate that the project is complete. A complete listing of all applicable items must be submitted with the proposal as identified in subsection 9G-19.002(24), F.A.C.

(26) “Timeline.” for purposes of the competitive grant programs only, means a document outlining the schedule and tasks that the applicant will perform in order to complete the project as identified within the proposed application within the twelve month contract period.

(27) “Critical Facilities” for purposes of the competitive grant programs only, means public hurricane evacuation shelters, emergency operations centers, structures for fire stations, rescue operations, or law enforcement facilities, hospitals, public works facilities, and any similar disaster response facility.

(28) “ARC 4496”, for purposes of the competitive grant programs only, is a publication by the American Red Cross titled Standards for Hurricane Evacuation Shelter Selection (ARC 4496, Rev. January 2002).

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00,_____.

9G-19.007 Competitive Awards Eligibility.

(1) through (3) No change.

(4) Under the Municipal Competitive Grant Program, each Municipal Emergency Management Program may apply for one competitive grant not to exceed \$50,000. Joint applications by two or more municipalities shall be permitted, however the total award for any municipality application shall be limited to \$50,000.00. Under the Emergency Management Competitive Grant Program, eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$300,000. All eligible applicants, with the exception of counties and state agencies ~~Each Florida state or regional planning agency, each private non profit organization, and each municipality.~~ shall be limited to no more than three (3) application submissions in an application cycle.

(5) through (7) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-14-98, 10-11-00,_____.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 007, June 2002 ~~006, May 2000~~ version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) No change.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 007, June 2002 ~~006, May 2000~~ Version.

(b) through (e) No change.

(6) No change.

(7) Applications submitted shall be executed by the chief elected official or the chairman of the governing board unless this authority has been delegated to the chief executive officer or other government official, who shall then endorse the application. Evidence of the delegation of authority shall be supplied with the application. If the governmental entity does not have a governing board or chief elected official, then the

application shall be executed by the chief administrative officer and evidence of his or her authority to bind the governmental entity shall be supplied with the application. If the Applicant is not a governmental entity, then the application shall be executed by the governing board, or, if there is no governing board, then the application shall be executed by the chief executive officer. If the application is transmitted electronically on-line, it shall be transmitted not later than three (3) days before the published application deadline. ~~A then a~~ hard copy of the title page containing the original authorized signature must be submitted by mail, and must be received by the Division by the published application deadline date.

(8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00,_____.

9G-19.009 Selection Criteria for Competitive Grants.

(1) No change.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores, adjusting them to arrive at preliminary scores and rankings. Preliminary scores and rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 ~~60~~ days of the application deadline date, transmit preliminary scores and rankings to all Applicants, along with any administrative proceeding rights. Final scores and rankings shall be transmitted to all Applicants in writing. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible applications have been funded, or insufficient funds remain to fund an eligible project. The Department may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of deliverables. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program within the specified time, then the funds offered shall revert to the Trust Fund. In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections ~~Sections~~ 9G-19.006(1)-(3), F.A.C.

(3) through (5) No change.

(6) Applications shall be awarded points and ranked using the following criteria:

(a) through (f) No change.

(g) Extent to which the proposed project addresses an emergency management priority, as identified in the Notice of Fund Availability. [Maximum score 100 points] These points are only available for applications submitted under paragraph 9G-19.009(5)(d), F.A.C.

(7) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: News Media Visitors RULE NO.: 33-104.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of news media and the process for arranging news media visits.

SUBJECT AREA TO BE ADDRESSED: News media visits to correctional facilities.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-104.101 News Media Visitors.

(1) Permission for visits by bona fide news media representatives shall not be unreasonably withheld. This shall apply for visits to inmates other than those confined under sentence of death. Rules 33-104.201-.204, F.A.C., shall govern procedures for media interviews with inmates under sentence of death. It shall be the responsibility of the news media representatives requesting the visitation to present to the public affairs office ~~warden, or his designee~~, evidence sufficient to establish that such person is a bona fide news media representative, and to provide the information sufficiently in advance that it may be verified.

(a) News media representatives consist of persons whose principal employment is gathering and reporting news for a:

1. Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

2. Newspaper reporting general interest information news and circulated to the public in the community where it is published;

3. News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; and

4. National or international news service.

(b) News media visits to correctional facilities shall be pre-arranged with the public affairs office. News media representatives shall request access to the facility in writing and shall provide the following information:

1. Full name, date of birth, race and gender for all persons entering the facility;

2. Purpose of visit;

3. Identity of staff or offender to be seen, if applicable; and

4. Proposed use of camera or other recording devices. The warden must approve possession of news media cameras and recording devices before they are allowed into the facility.

(c) News media representatives must provide positive identification. Foreign media must have an “I” Visa on their passports.

(d) Representatives of news media visiting a facility are subject to search per Rule 33-601.708, F.A.C.

(e) News media representatives must be escorted by staff. Random access not specific to the purpose of the visit is prohibited.

(f) During an emergency, news media representatives will be restricted to a designated media center.

(g) Interviews and photographs of on-duty staff shall be permitted only with prior authorization of the public affairs office and the staff member.

1. Department employees are not permitted to accept compensation for on-duty news media interviews.

2. Photographing on-duty staff without their permission is prohibited.

(2) No change.

(3) A request from a news media representative for an interview with a specific inmate shall include the name of the inmate and such other identification as the media representative might possess. The request for an interview shall be made to the Department of Corrections Public Affairs Information Services ~~Office~~ in Tallahassee. Interviews may be granted, subject to prior approval of such interview by the inmate. The time and duration of the interview shall be determined by the public affairs office. Such interviews may be refused if:

(a) through (e) No change.

(4) News media representatives desiring to visit must be fully clothed, which includes shoes. Visitors shall not be admitted to the visiting area if they are not appropriately clothed or are dressed in revealing attire. Examples of inappropriate attire are: miniskirts, see-through blouses, bra-less attire, tank tops, swimsuits, shorts, undershirts, and other like attire.

Specific Authority 20.315, 944.09, ~~945.21~~ FS. Law Implemented 944.09, 944.23, ~~945.21~~ FS. History—New 10-6-83, Formerly 33-5.14, Amended 6-20-85, Formerly 33-5.014, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Basic Training Program Operation
RULE NO.: 33-601.236

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for recommendation of modification of sentence for inmates who have satisfactorily completed the basic training program for youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Youthful offender basic training program – modification of sentence.

SPECIFIC AUTHORITY: 20.315, 944.09, 958.045 FS.

LAW IMPLEMENTED: 20.315, 944.09, 958.045 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:

33-601.236 Basic Training Program Operation.

(1) through (4) No change.

(5) Request for Sentence Modification.

(a) Inmates who have satisfactorily completed ~~60 days of~~ the basic training program will be recommended ~~reviewed for consideration for request of~~ sentence modification.

(b) The inmate management plan team ~~basic training program classification officer~~ will recommend a modification of sentence to the court that will include release to community supervision or placement in a community residential facility as a condition of community supervision.

(c) The inmate management plan team ~~basic training program classification officer~~ shall determine which inmates are suitable for community release based upon the inmate’s employment, residence, family circumstances, and probation or post-release supervision obligations while under community supervision, and submit the packet to the Bureau of Classification and Central Records, Reception and Youthful Offender Services.

(~~d~~)e) The Bureau of Classification and Central Records Reception and Youthful Offender Services Office shall either approve the inmate management team’s ~~basic training program classification officer’s~~ recommendation, disapprove the recommendation, or refer the matter back to the inmate management plan team ~~basic training program classification officer~~ for additional information.

(~~e~~)d) If approved by the Bureau of Classification and Central Records, the sentence modification package will be sent to the sentencing authority ~~presented to the court~~ for approval or disapproval.

(e) No change.

(~~6~~) The IMPT shall develop an alternative post release program or plan within 30 days prior to release for those inmates who will not be placed in a community residential facility. The post release plan shall include the following pursuant to Rule 33-601.504, F.A.C.:

(a) Employment;

(b) Residence;

(c) Family situation; and

(d) Probation or post release supervision.

(~~6~~)7) No change.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1

RULE TITLES: Permit Applications – General and
RULE NOS.: 40D-1.600

Noticed General Permits 40D-1.602

Permits Required 40D-1.603

Permit Application Procedures 40D-1.607

Permit Processing Fee 40D-1.607

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to satisfy the statutory requirement that the District establish a process for referring denials of general permits to the Governing Board for final action. The proposed rule amendments will satisfy the statutory requirement by providing that general permits are issued by staff but go before the Governing Board for denial.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments are to the District’s procedural rules. In addition to sending denials of general permits to the Governing Board for final action, these proposed amendments will clarify language in portions of the rules by deleting the term “standard” and making consistent references to either General Permits or Noticed General Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373, 418 FS.

LAW IMPLEMENTED: 373.106, 373.109, 373.116, 373.118, 373.171, 373.216, 373.219, 373.229, 373.308, 373.323, 373.413, 373.414, 373.4136, 373.416, 373.418, 373.426, 380.06(9) 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.600 Permit Applications – General and Noticed General Permits.

(1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, and 40D-40, ~~and 40D-400~~, Florida Administrative Code, are issued ~~or denied~~ by staff or denied by the Governing Board.

(2) Noticed General Permits are issued or denied by staff ~~as Noticed General and Standard General Permits~~.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.118 FS. History–New 10-1-84, Amended 12-22-94, 7-2-98, _____.

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, the following permits shall be obtained from the District prior to commencement of the following activities:

(1) through (2) No change.

(3) A Surface Water, Individual, ~~or~~ General, or Noticed General permit under Chapter 40D-4, 40D-40 or 40D-400, must be obtained prior to construction, alteration, abandonment, operation, or removal, of any surface water management system, dam impoundment, reservoir, appurtenant work or works, including dredging or filling, as prescribed by District rules. An Individual Permit is required for the establishment and operation of mitigation banks.

(4) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.416, 373.426, 373.414, 373.418, 380.06(9) FS. History–New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, _____.

40D-1.603 Permit Application Procedures.

(1) No change.

(2) No later than 30 days after receipt of an initial or modification of an application for an individual surface water management permit, an individual Environmental Resource Permit or an individual water use permit application for withdrawals of 500,000 gpd annual average daily or greater pursuant to Chapter 40D-2, F.A.C., the District shall publish notice thereof in a newspaper having general circulation as defined in Chapter 50, Florida Statutes. Upon receipt of an application for an initial or modification of a ~~standard~~ general

Environmental Resource Permit pursuant to Chapter 40D-40, F.A.C., a general surface water management permit pursuant to Chapter 40D-40, F.A.C., (January 11, 1993) or a noticed general surface water management permit pursuant to Chapter 40D-400, F.A.C. ~~(January 11, 1993)~~ or for a general water use permit for less than 500,000 gpd annual average daily pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof in the District’s headquarters and in each of the District’s service offices. In the event that after posting of notice an application for a general permit is modified such that it is an application for an individual permit, notice of the application shall be published in a newspaper as provided above. In addition, the District shall provide a letter giving notice of receipt of the application to any person who has filed a written request within the immediately preceding six months for notification of any pending applications affecting the particular designated area. Each notice and letter shall state that interested persons shall have the opportunity to inspect a copy of the application and submit written comments concerning the application. The District may request persons submitting objections or comments to furnish additional information. In addition, each notice and letter will advise that if notice of agency action or opportunity to request an administrative hearing pursuant to Chapter 120, Florida Statutes, regarding a permit application is desired, a written request referencing the permit application number must be filed with and received by the Processing and Records Section by the date specified in the letter, newspaper notice or the posted notice as applicable pursuant to this subsection. The date specified in such notice or letter to obtain notice of agency action or to request a hearing shall be no less than 14 days from the date of mailing, publication or posting as applicable. Upon request, the District will provide the applicant with a copy of all objections and comments received.

(3) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History–New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, _____.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

(1)(a)1. through 6. No change.

~~7. Application for Noticed General Permit pursuant to Chapter 40D-40, F.A.C. \$200.00~~

~~7.8. Application for Standard General Permit for Minor Surface Water Systems \$200.00~~

~~8.9. Application for Standard General Permit for Minor Surface Water System Modification \$100.00~~

10. through 14. renumbered 9. through 13. No change.

(b) through (c) No change.

(2) through (3)(d) No change.

(e) SINGLE FAMILY DWELLING UNITS: Applications for Chapter 40D-40 ~~Standard~~ General or Chapter 40D-400.475(1)(f) Noticed General Permits for construction of a single family dwelling unit involving wetlands that is not part of a larger common plan of development or sale proposed by the applicant.

(f) No change.

(4) For projects grandfathered pursuant to Section 373.414, F.S., the conceptual, individual or general surface water management permit application fee shall be the same as the conceptual, individual or ~~standard~~ general environmental resource permit application fees listed in this subsection.

(5) through (10) No change.

(11) Chapter 40D-40, F.A.C., ~~standard~~ general site conditions assessment permit:

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

2. Modification to convert to a Chapter 40D-4 or 40D-40, F.A.C., construction permit:

a. When the construction permit applicant is the original permittee for a valid site conditions assessment permit, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., ~~standard~~ general construction permit, as applicable; if a construction permit is issued, a credit equal to the basic fee amount paid in connection with the site conditions assessment permit shall be reimbursed after submittal of the project Statement of Completion and as-built information by the original permittee, and operation approval by the District.

b. When the construction permit applicant is not the original permittee, and the applicant has a valid site conditions assessment permit that was transferred, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., ~~standard~~ general construction permit, as applicable; but the permit application processing fee credit in subparagraph 2.a. shall not apply.

(12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
 RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend provisions in the District’s water use permitting rules to make them consistent with proposed amendments to the District procedural rules that establish a process for referring denials of general permits to the Governing Board for final action.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address the application review process set forth in Section 1.6 of the Basis of Review for Water Use Permit Applications which is incorporated by reference into Rule 40D-2.091, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 73.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Application” _____ April 14, 2002, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, _____.

Water Use Permit Information Manual Basis of Review

1.6 APPLICATION REVIEW PROCESS

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will

evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant’s responsibility to provide the information requested. Staff will notify the Applicant when all information has been received and the application is complete. Once the application is complete, the District must issue or deny the permit within 90 days. Typically, permits authorizing withdrawals < 500,000 gpd will be issued or denied within 60 days.

The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual average withdrawals ≥ 500,000 gpd. District staff typically issues permits authorizing withdrawals of < 500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 14 days of receipt of the proposed agency action. Procedures for filing a petition for hearing are described in Part V of Chapter 40D-1, F.A.C. (See Rules 40D-1.521 and 40D-1.571, F.A.C.). If no objection is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations.

For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 14 days of receipt of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

General water use permits may be issued by District staff for applications which meet the following criteria:

1. The average annual daily withdrawal is less than 500,000 gpd;
2. The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Individual Environmental Resource Permits	40D-4

RULE TITLES:	RULE NOS.:
Definitions	40D-4.021
Permits Required	40D-4.041
Conditions for Issuance of Permits	40D-4.301
Additional Conditions for Issuance of Permits	40D-4.302

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to satisfy the statutory requirement that the District establish a process for referring denials of general permits to the Governing Board for final action.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will satisfy the statutory requirement by providing that general permits are issued by staff but go before the Governing Board for denial. In addition, the proposed amendments will clarify language in portions of the rules by deleting the term “standard” and making consistent references to either General Permits or Noticed General Permits.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.419, 373.426, 373.427 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.021 Definitions.

When used in this Chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (14) No change.

(15) “Noticed General Permit” means an Environmental Resource Permit issued or denied by staff.

(16)(15) “General Permit” means an Environmental Resource Permit issued or denied by District staff or denied by the Governing Board. General Permits are issued as either Noticed General or Standard General permits.

(17)(16) “Individual Permit means an Environmental Resource Permit issued or denied by the District Governing Board.

(17) through (21) renumbered (18) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.419 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02.

40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a)1. ~~Standard~~ General permits are issued pursuant to Chapter 40D-40, F.A.C.

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

(d) Site conditions assessment permits are optional ~~standard~~ general permits issued pursuant to Chapters 40D-4 and 40D-40, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, as the first phase of construction permitting which identify and document the boundaries of certain existing topographic and environmental site conditions existing within a project area. At a minimum, all site conditions assessment permits shall evaluate, and identify if present, the landward extent of wetlands and other surface waters; the level and landward extent of the 100 year floodplain; seasonal high water levels and existing watershed delineations. In the permit application, the applicant may request that the District evaluate additional site conditions boundaries. A site conditions assessment permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank. However, a currently valid site conditions assessment permit can be formally modified by the permittee to apply for either an individual or a general construction and operation permit.

(3) No change.

(4) A ~~Standard~~ General Permit for Minor Surface Water Management Systems is required for a surface water management system, otherwise exempt from permitting under subsection 40D-4.051(3) or (4), F.A.C., unless the system is exempt by statute or rule from storm water quality regulation or has received storm water quality review and approval by the District or by a DEP permit, license or certification.

(5) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01,_____.

40D-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a ~~standard~~ general, individual, or conceptual permit under this chapter or Chapter 40D-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(3),(4),(5),(6),(8), Amended 10-1-84, 6-2-85, 4-2-87, 3-1-88, 10-3-95, 10-16-96,_____.

40D-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in Rule 40D-4.301, F.A.C., in order to obtain a ~~standard~~ general, individual, or conceptual permit under this chapter an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) through (2) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-New 10-3-95, Amended_____.

Environmental Resource Permitting Manual Basis of Review

CHAPTER ONE – INTRODUCTION

1.2 Application Review Process – The District issues three types of environmental resource permits as authorized by Part IV of Chapter 373, Florida Statutes: individual including conceptual, ~~standard~~ general, and noticed general permits.

Noticed general permits and general permits are issued by staff, while Governing Board action is required for individual permits.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General Environmental Resource Permits 40D-40

RULE TITLES: RULE NOS.:

Policy and Purpose 40D-40.011

General Environmental Resource Permits 40D-40.040

General Permit for Site Condition Assessment 40D-40.044

Content of Application for General Permits 40D-40.112

Conditions for Issuance of General Permit for Minor Surface Water Management Systems 40D-40.301

Conditions for Issuance of General Permits 40D-40.302

Duration of Permits 40D-40.321

Modification of Permits 40D-40.331

General Conditions 40D-40.381

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to clarify language in portions of the rules by deleting the term “standard” and making consistent references to either General Permits or Noticed General Permits.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments delete the term “standard” from references to General Permits in Rule Chapter 40D-40, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.421(2) FS.

LAW IMPLEMENTED: 373.103(1), 373.117, 373.413, 373.413(1), 373.414, 373.416, 373.419, 373.427, 373.429 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.011 Policy and Purpose.

The rules in this chapter grant ~~standard~~ general environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. The purpose of this chapter is to set forth the requirements for qualifying for a ~~standard~~ general permit and the conditions under which they may be exercised. Non-exempt surface water management systems which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40D-400, F.A.C., or a ~~standard~~ general permit under this chapter are required to obtain individual permits. The District reserves the right to require an individual permit for any surface water management system which: does not comply with the provisions of this chapter; may be harmful to the water resources of the District; or is inconsistent with the overall objectives of the District.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(1), 373.413(1), 373.416, 373.419, 373.429 FS. History—New 10-1-84. Amended 3-1-88, 10-3-95, _____.

40D-40.040 ~~Standard~~ General Environmental Resource Permits.

(1) Three types of ~~Standard~~ General Environmental Resource Permits are issued pursuant to this Chapter and Chapter 40D-4, F.A.C. They are:

(a) ~~Standard~~ General Environmental Resource Permit for Minor Surface Water Management Systems. The conditions for issuance for this permit are contained within Rule 40D-40.301, F.A.C.;

(b) ~~Standard~~ General Environmental Resource Permit for Surface Water Management Systems. The conditions for issuance of this permit are contained within Rule 40D-40.302, F.A.C.; and

(c) ~~Standard~~ General Environmental Resource Permit for Site Conditions Assessment. The conditions for issuance of this permit are contained within Rule 40D-40.302, F.A.C.

(2) ~~Standard~~ General Environmental Resource Construction and Operation Permits are required prior to the construction, alteration, removal, maintenance, operation or abandonment of certain surface water management systems.

(3) Site Conditions Assessment Permits are optional ~~standard~~ general permits that are issued as the first phase of construction permitting which identify and document the boundaries of certain existing site conditions found within a project area. At a minimum, all site conditions assessment permits shall evaluate, and identify if present, the landward extent of wetlands and other surface waters; the level and landward extent of the 100 year floodplain; seasonal high water levels; and existing watershed delineations. Additional site conditions boundaries may be requested by the applicant and evaluated for permitting by the District. A site conditions assessment permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank, but it can be formally modified by the permittee to apply for either an individual or a general construction and operation permit.

(4) An activity which requires both a ~~standard~~ general environmental resource permit or a permit under subsections 373.414(11)-(16), F.S., and a proprietary authorization under Chapter 253 or 258, F.S., shall be subject to the requirements and procedures in Section 373.427, F.S., Chapters 18-20 and 18-21, F.A.C., and Rules 62-312.065 and 62-343.075, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.421(2) FS. Law Implemented 373.413, 373.414, 373.416, 373.419, 373.427 FS. History—New 10-3-95, Amended 7-23-96, 10-16-96, 7-2-98, _____.

40D-40.044 ~~Standard~~ General Permit for Site Conditions Assessment.

(1) This ~~standard~~ general permit identifies and documents the boundaries of certain existing topographic and environmental site conditions within the applicant's project area that are measurably associated with waters, as described in the application.

(2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 7-23-96, Amended _____.

40D-40.112 Content of Application for ~~Standard~~ General Permits.

(1) To apply for a ~~standard~~ general permit, including an application for a ~~standard~~ general permit for minor surface water management systems, the applicant shall file with the District the Application form identified in Chapter 40D-1, F.A.C. and other required documents, information and fees.

(2) No change.

(3) A complete application for a ~~standard~~ general permit for construction and operation shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 U.S.C. Section 1341. Issuance of the

be included within the District. The lands to be included within the proposed District are zoned Planned Unit Development/Multi-Use. The proposed District is bounded by office, commercial, multi-family, and agricultural uses. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/Multi-Use designation (City of Jacksonville Comprehensive Plan) currently include residential, recreation, and commercial elements. The proposed land uses within the District are subject to the approved Bartram Park Development of Regional Impact (DRI) Development Approval issued by the City of Jacksonville, and, to the extent applicable, the Bartram Park Development of Regional Impact Development Order issued by St. Johns County. The proposed commercial development within the District contemplates the construction of facilities on approximately three acres of land. Approximately 1,400 single-family residential units and 300 multi-family units are presently planned for development within the District. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the District. The District, if established, intends to participate in the construction of certain road and entranceway improvements. The District is also expected to provide certain stormwater and recreation amenity improvements for the lands within the District, as well as wetland restoration and funding for a roadway planning, development, and engineering study.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Bartram Springs Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 30, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cheryl G. Stuart, Hopping Green & Sams, P. A., Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER TITLE: 211 Certification Rule Process **RULE CHAPTER NO.:** 59G-11

PURPOSE AND EFFECT: To adopt a rule that will establish the certification process and guidelines for 211 providers in Florida.

SUBJECT AREA TO BE ADDRESSED: Development of the certification process for 211 providers.

SPECIFIC AUTHORITY: Chapter 2002-223, Laws of Florida.

LAW IMPLEMENTED: Chapter 2002-223, Laws of Florida.

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. – 12:00 Noon, Wednesday, July 31, 2002

PLACE: 2727 Mahan Drive, Conference Room C, Tallahassee, Florida 32308

Other 211 accreditation related matters before the workshop will also be discussed. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mel Chang, (850)922-5530, at least five calendar days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mel Chang, Government Analyst II, Agency for Health Care Administration, Medicaid Bureau of Research, Bldg. 3, Suite 2340, Mail Stop #48, 2727 Mahan Drive, Tallahassee, FL 32308-5403, (850)922-5530

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

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE TITLES:	RULE NOS.:
Regular Time and Overtime	60L-34.0031
Holidays	60L-34.0032
General Requirements for Leave Earning, Approval, and Use	60L-34.004
Annual Leave	60L-34.0041
Sick Leave	60L-34.0042
Administrative Leave	60L-34.0071

PURPOSE AND EFFECT: To make minor clarifying amendments to attendance and leave rules adopted in January 2002.

SUBJECT AREA TO BE ADDRESSED: Attendance and leave rules governing employees within the State Personnel System.

SPECIFIC AUTHORITY: 110.1055, 110.201, 110.219(5) FS.
LAW IMPLEMENTED: 110.117, 110.121, 110.122, 110.219, 121.091(13) FS.

IF REQUESTED 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: 3:00 p.m., July 22, 2002

PLACE: Department of Management Services, 4040 Esplanade Way, Suite 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of General Counsel, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898, springf@dms.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards for Approval of Courses

RULE NO.: 64B16-26.601

PURPOSE AND EFFECT: The Board proposes to amend this rule to address the standards and fees for providers of continuing education.

SUBJECT AREA TO BE ADDRESSED: Standards and fees for providers of continuing education.

SPECIFIC AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 465.009 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Sterile Products and Special

RULE NO.: 64B16-28.820

PURPOSE AND EFFECT: The Board proposes to amend this rule to update certain sections to conform with recent rule changes.

SUBJECT AREA TO BE ADDRESSED: Sterile Products.

SPECIFIC AUTHORITY: 465.005, 465.007, 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.018, 465.0196 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Mediation

RULE NO.: 64B19-17.007

PURPOSE AND EFFECT: The Board proposes to review the existing text to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 490.004(4),(5), 456.078 FS.

LAW IMPLEMENTED: 490.009(2)(h),(v),(w), 456.078 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Qualifications to Practice Juvenile

RULE NO.: 64B19-18.0025

PURPOSE AND EFFECT: The Board proposes to review the existing text to see if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Qualifications to Practice Juvenile Sexual Offender Therapy.

SPECIFIC AUTHORITY: 490.004(4), 490.012(8), 490.0145 FS.

LAW IMPLEMENTED: 490.012(8), 490.0145 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: Kaye Howerton , Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Importation of Cervids RULE NO.: 68A-4.0051

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish criteria for the importation and intrastate movement of wildlife species in the family Cervidae to prevent the introduction of Chronic Wasting Disease (CWD) into the wild deer population in Florida. CWD has been found in captive and free-ranging elk, white-tailed deer, mule deer, and black-tailed deer in a number of Western and Midwestern states. CWD is a progressive neurological disease that belongs to a family of diseases known as transmissible spongiform encephalopathies which attack the brainstem of live animals eventually causing death. The origin, epidemiology, and transmission of CWD is unknown and there is no live animal test, prophylactic or treatment regimen available. Consequently, introduction of CWD into native white-tailed deer has the potential for catastrophic mortality.

SUBJECT AREA TO BE ADDRESSED: Criteria and requirements for importation and intrastate movement of wildlife species in the family Cervidae.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec 9, Fla. Const.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. each day, September 4-6, 2002
PLACE: Clarion Suites, 20 Via DeLuna, Pensacola Beach, Florida 32561

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Timothy Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing the Operation of Private Hunting Preserves RULE NO.: 68A-12.010

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions associated with the operation of private hunting preserves.

SUBJECT AREA TO BE ADDRESSED: The subject area covered in the proposed rules will be regulations pertaining to the release of captive-reared ducks on preserves for shooting purposes.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. each day, September 4-6, 2002
PLACE: Clarion Suites, 20 Via DeLuna, Pensacola Beach, Florida 32561

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Timothy E. O'Meara, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764