

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
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Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender	3D-40.100
Application Procedure for Mortgage Lender License	3D-40.200
Application Procedure for Correspondent Mortgage Lender License	3D-40.220
Principal Representative	3D-40.242

PURPOSE AND EFFECT: The Purpose of the proposed amendments is to clarify the implementation of legislative changes to Chapter 494, Florida Statutes, made by Chapter 2001-228, Laws of Florida, which took effect October 1, 2001, as to the designation of a "principal representative," specifically, Sections 494.001(29), 494.0061(8), and 494.0062(11), F.S.

SUBJECT AREA TO BE ADDRESSED: Designation of the "principal representative," definition of statutory terms.

SPECIFIC AUTHORITY: 494.0011(1), 494.0011(2), 494.0061(1), 494.0061(3), 494.0061(8), 494.0061(10), 494.0062(3), 494.0062(11), 494.0062(13), 494.0072(2)(c), 494.0072(2)(p) FS.

LAW IMPLEMENTED: 120.60, 494.001(29), 494.0061(3), 494.0061(8), 494.0062(3), 494.0062(11) 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.

Requests for the rule development workshop should be addressed to Bob Tedcastle, Financial Administrator, Division of Securities and Finance, 101 East Gaines Street, 5th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, 101 East Gaines Street, 5th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Department's interpretation unless the language of the rule indicates to the contrary:

(1) through (11) No change.

(12) For purposes of Rules 3D-40.100, 3D-40.200, 3D-40.220, and 3D-40.242, F.A.C.:

(a) "Operate" shall mean to exercise power or influence over the business operations.

(b) "Exercise" shall mean the discharge of an official duty or function.

(c) "Control" shall mean to have the influence and power to make decisions for the business.

Specific Authority 494.0011(2), 494.0072(2)(c), 494.0072(2)(p) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a),(i), 494.0043, 494.0061(2), 494.0061(8), 494.0062(2), 494.0062(11), 494.0067(5), 494.0072(2)(i) FS. History-Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) A completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 07/02 ~~10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (c) No change.

(d) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each mortgage lender pursuant to the saving clause transfer

applicant shall attach a statement to the application outlining the principal representative's duties and responsibilities and demonstrating how the principal representative operates and exercises control over the business.

(2) through (7) No change.

Specific Authority 494.0011(1), 494.0011(2), 494.0072(2)(c), 494.0072(2)(p), 494.0061(3), 494.0061(8), 494.0061(10) FS. Law Implemented 120.60, 494.001(29), 494.0061(1), 494.0061(3), 494.0061(8), 494.0065 FS. History--New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222, revised 07/02 ~~10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (d) No change.

(e) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee's business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each mortgage lender applicant shall attach a statement to the application outlining the principal representative's duties and responsibilities and demonstrating how the principal representative operates and exercises control over the business.

(2) through (8) No change.

Specific Authority 215.405, 494.0011(1), 494.0011(2), 494.0072(2)(c), 494.0072(2)(p), 494.0061(3), 494.0061(8), 494.0061(10) FS. Law Implemented 120.60, 494.001(29), 494.0061 FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 07/02 ~~10/01~~, which is hereby incorporated by reference and

available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (d) No change.

(e) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee's business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each correspondent mortgage lender applicant shall attach a statement to the application outlining the principal representative's duties and responsibilities and demonstrating how the principal representative operates and exercises control over the business.

(2) through (8) No change.

Specific Authority 215.405, 494.0011(1),(2), 494.0062(3), 494.0062(8), 494.0062(11), 494.0062(13) FS. Law Implemented 494.0062 FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.242 Principal Representative.

(1) Effective October 1, 2001, each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Representative Designation Form DBF-ML/CL-PR, revised 7/02 ~~effective 10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall include a statement on the Principal Representative Designation Form, DBF-ML/CL-PR, revised 7/02, outlining the principal representative's duties and responsibilities and demonstrating how the principal representative operates and exercises control over the business.

~~(3)(2)~~ Upon any change of principal representative, the licensee and the newly designated principal representative shall complete the Principal Representative Designation, Form DBF-ML/CL-PR, revised 7/02. Form DBF-ML/CL-PR, revised 7/02, shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, and a copy shall be mailed to the Department at the above address or electronically

transmitted to the Department’s website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

~~(4)(3)~~ Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and has passed a written test in accordance with Rule 3D-40.025, F.A.C.

~~(5)(4)~~ The penalty for failure to maintain Form DBF-ML/CL-PR shall be the issuance of a “notice of noncompliance” for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain Form DBF-ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.

~~(6)(5)~~ Each principal representative shall notify the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of his or her principal representative status.

Specific Authority 494.0011(1), 494.0011(2), 494.0016(4), 494.0072(2)(c), 494.0072(2)(p), 494.0061(1), 494.0061(3), 494.0061(8), 494.0062(3), 494.0062(11) FS. Law Implemented 120.60, 120.695, 494.001(29), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History—New 1-27-02, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: State of Florida High School Diplomas

RULE NO.: 6A-6.021

PURPOSE AND EFFECT: The American Council on Education, GED Testing Service, has developed and implemented the 2002 Series GED Tests. The purpose of this rule development is to review the current rule and recommend changes to the General Educational Development (GED) Testing program resulting from revision of the 2002 Series GED Tests. The effect of this development will be a proposed rule which will provide for implementation of the 2002 Series GED Tests.

SUBJECT AREA TO BE ADDRESSED: Passing score requirements and testing eligibility requirements.

SPECIFIC AUTHORITY: 229.053(1), 229.814(1) FS.

LAW IMPLEMENTED: 229.814(1),(2),(3) FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Cordill, Chief, Bureau of Program Planning and Development, Division of Workforce Development, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400, (850)488-7153
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Long-Term Care Hospital Beds

RULE NO.: 59C-1.045

PURPOSE AND EFFECT: The agency is developing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals. There is no current CON rule that deals exclusively with this subject. At a minimum, the new rule will describe the type of patients served in long-term care hospitals, the type of services provided, geographic service planning areas, agency preferences among competing applicants, and required content of a CON application. Service-specific rules like the one proposed are used in conjunction with statutory review criteria in evaluation of applications for a CON. A preliminary draft of the rule is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Specific requirements for certificate of need review of proposed long-term care hospital beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.036(1)(a),(b),(c),(d),(g) FS.

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

TIME AND DATE: 2:00 p.m., August 13, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), and paragraphs 408.036(1)(a), (b), (c), (d), and (g), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new long-term

care hospitals, the addition of beds to existing long-term care hospitals, and the conversion of licensed hospital beds to long-term care hospital beds.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "Approved Long-Term Care Hospital Bed." A proposed long-term care hospital bed for which a certificate of need, a letter of intent to grant a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need was issued, consistent with the provisions of 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to the letter of intent deadline, as specified in paragraph 59C-1.008(1)(g), Florida Administrative Code.

(c) "Charity Care." That portion of hospital charges reported to the agency for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Charity care does not include bad debt, which is the portion of health care provider charges for which there is no compensation for care provided to a patient who fails to qualify for charity care; and does not include administrative or courtesy discounts, contractual allowances to third-party payors, or failure of the hospital to collect full charges due to partial payment by government programs.

(d) "Conversion." For purposes of this rule, conversion means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a general acute care hospital to a long-term care or specialty hospital, or from a long-term care hospital or specialty hospital to a general acute care hospital.

(e) "District." A district of the agency defined in subsection 408.032(5), Florida Statutes.

(f) "Local Health Council." The council referenced in section 408.033, Florida Statutes.

(g) "Long-term Care Hospital." A hospital licensed under Chapter 395, F.S., which meets the requirements of Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations, and is exempt from the Medicare acute care prospective payment system. A long-term care hospital has an average length of inpatient stay greater than 25 days for all hospital beds. Long-term care hospitals are designed to provide extended care to patients who are clinically complex and have multiple acute or chronic conditions. Long-term care hospitals typically provide programs in one or more of the following areas: respiratory care, particularly for ventilator-dependent patients; treatment of patients with multiple illnesses or multiple

systems failure; treatment of wounds caused by disease or accident; and treatment for patients requiring interdisciplinary rehabilitation services who are unable to tolerate the more intensive treatments provided in a comprehensive medical rehabilitation hospital.

(h) "Service Planning Area." The multi-district geographic area used in planning for long-term care hospitals. Applications for new long-term care hospitals will be comparatively reviewed within each of the five service planning areas delineated as follows:

1. Service planning area I includes districts 1 and 2.
2. Service planning area II includes districts 3 and 4.
3. Service planning area III includes districts 5, 6 and 7.
4. Service planning area IV includes districts 8 and 9.
5. Service planning area V includes districts 10 and 11.

(3) General Provisions.

(a) Conformance with the Criteria for Approval. A certificate of need for the establishment of a new long-term care hospital, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

(b) Minimum Hospital Size. Long-term care hospitals established after the effective date of this rule shall have a minimum of 40 licensed beds.

(c) Required Services. Long-term care hospital services shall include, at a minimum:

1. Pre-admission screening.
2. Care for patients with multiple complex diagnoses.
3. Care for patients with multi-system failure.
4. Services for difficult-to-wean ventilator-dependent patients.
5. Services for patients who cannot be weaned from ventilator dependence.
6. Respiratory/pulmonary care.
7. Airway restoration.
8. Intensive wound care.
9. Nutrition services, including metabolic analysis, invasive enteral tube placement, and total parenteral nutrition.
10. Infusion therapy.
11. Daily physician assessments.
12. At least 8 nursing hours per patient per day.
13. Physical therapy, occupational therapy, speech therapy, and respiratory therapy.
14. On-site laboratory, radiology, and pharmacy.

(4) Criteria for Determination of Need.

(a) New Provider. In determining the need for a new long-term care hospital, the agency shall consider the proposed facility within the context of licensed or approved long-term care hospital beds in the service planning area, and the licensed acute care beds, comprehensive medical rehabilitation beds,

hospital-based skilled nursing unit beds, and nursing home beds in the service planning area. The applicant proposing a new long-term care hospital shall provide documentation that the other licensed inpatient beds in the service planning area do not meet the need for the proposed service.

(b) Limitation on Approvals. The agency will not normally approve more than one new long-term care hospital for a service planning area during a review cycle. No additional long-term care hospital will be approved for a service planning area that has an approved new provider not yet licensed.

(c) Additional Beds at Existing Long-Term Care Hospitals.

1. Need for additional beds at an existing long-term care hospital is demonstrated if the occupancy rate of the hospital was at least 90 percent for the 12-month period ending 1 month prior to the letter of intent deadline.

2. The maximum number of additional beds which may be approved for an existing long-term care hospital shall not normally exceed the number which, if added to the current licensed total, or the current total of licensed and approved beds, would reduce the 12-month occupancy, determined in subparagraph 1, to 85 percent.

(d) Consistency with Local Plans. Applicants shall provide evidence in their applications that their proposal is consistent with the needs of the community and other criteria contained in Local Health Council Plans.

(e) Preferences Among Applicants for Long-Term Care Hospital Beds. In weighing and balancing statutory and rule review criteria, the agency will give preference to:

1. An applicant who provides or proposes to provide Medicaid and charity care days as a percentage of their total patient days equal to or greater than the statewide average percentage of Medicaid and charity care patient days provided by all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

2. An applicant who proposes to serve Medicaid-eligible persons.

3. An applicant who proposes to serve individuals without regard to their ability to pay.

4. An applicant who proposes to convert an existing hospital to a long-term care hospital.

(5) Quality of Care. Long-term care hospital services shall comply with the agency standards for program licensure described in Chapter 59A-3, Florida Administrative Code. Applicants who include a statement in their certificate of need application that they will meet applicable agency licensure standards are deemed to be in compliance with this provision.

(6) Services Description. An applicant for long-term care hospital beds shall provide a detailed program description in its certificate of need application including:

(a) Characteristics of age groups to be served by age and diagnosis.

(b) Specialty programs to be provided.

(c) Proposed staffing, including qualifications of the medical director, a description of staffing appropriate for any specialty program, and a description of the training and experience requirements for all staff who will provide direct patient care.

(d) Expected sources of patient referrals. Applicants shall include evidence of transfer agreements with local hospitals indicating an intent to discharge appropriate patients to the proposed long-term care hospital.

(e) Expected average length of stay for discharges by age group.

(f) Expected discharge destination by age group.

(g) Projected number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(7) Applications from Licensed Long-Term Care Hospitals. A licensed long-term care hospital seeking approval for additional inpatient beds shall provide the following information in addition to the information required by subsection (6):

(a) Number of admissions and patient days by age group and diagnosis for the 12-month period ending 1 month prior to the letter of intent deadline.

(b) Number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days, for the 12-month period ending 1 month prior to the letter of intent deadline.

(c) Gross revenues by payer source for the 12-month period ending 1 month prior to the letter of intent deadline.

(d) Current staffing.

(e) Current specialized treatment programs.

(8) Quarterly Reports. Licensed long-term care hospitals shall report to the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days by age and primary diagnosis that occurred within the quarter.

Specific Authority 408.15(8), 408.034(6) FS. Law Implemented 408.034(3), 408.036(1)(a),(b),(c),(d),(e) FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Outpatient Hospital Services

59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2002. Appendix C in the handbook contains the 2002 outpatient hospital laboratory and pathology codes and fee schedule,

effective for dates of service on and after January 1, 2002. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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. – 10:00 a.m., August 12, 2002

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medicaid Health Systems Development, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2002 2004, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Provider Enrollment RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule workshop is to discuss the amendment to Rule 59G-5.010, Provider Enrollment, subsections (1) and (6), F.A.C. The Florida Medicaid Enrollment Application for participating in the Medicaid Program is incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The process used to determine the enrollment effective date for Medicaid providers. To incorporate the reference to the revised Florida Medicaid Enrollment Application.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907(9)(a) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., August 8, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Marcy Hajdukiewicz, Administrator, Bureau of Medicaid Contract Management, 2308 Killlearn Center Blvd., Suite 200, Tallahassee, Florida 32309

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application AHCA Form 2200-0003 (July 2002 1999), which is available from the fiscal agent and incorporated in this rule by reference.

(2) through (5) No change.

(6) Except as provided below, enrollment of a Medicaid provider applicant is effective no earlier than the date of the approval of the provider application. “Approved application” means an accurately and fully completed application with all the requirements, including, but not limited to background screenings and onsite inspections resolved and completed.

(a) The effective date for emergency room physicians, emergency transportation providers, and out-of-state providers is the date of service.

(b) The effective date for change of ownership (CHOW) applications is the latter of the date the CHOW occurs or the date of receipt of the application.

(c) The effective date for Community Mental Health Centers is the date the Agency certifies in writing that the provider has met all of the necessary standards for enrollment.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE TITLES: Definitions 61G6-9.003
Registration of Course Providers 61G6-9.005

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

SUBJECT AREA TO BE ADDRESSED: Definitions and registration of course providers.

SPECIFIC AUTHORITY: 455.2123, 455.2179, 455.225, 455.227, 489.507(3) FS.

LAW IMPLEMENTED: 455.2123, 455.2179, 489.513(3), 489.517, 489.531, 489.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

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Premium Shall Be Term Charge; Premium Refund, When 4-221.110
Pre-numbered Receipt as Evidence of Payment 4-221.115
Pre-numbered Receipt as Evidence of Collateral 4-221.120
Indemnity Agreement; Form 4-221.140
Use of Credit Cards and Cash Advance Facilities in Conjunction With Issuing Bail Bonds 4-221.145
Department May Request Information 4-221.150

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

SUMMARY: The rules provide for the appointment of a primary agent, requirements for temporary bail bond agents, revisions to collateral and premium receipts, provisions for surrender form and revisions regarding the use of credit cards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

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

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

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., August 20, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-221.003 Managing General Agents.

All insurers regularly engaged in the bail bond business in this state shall have a licensed and appointed managing general agent who is a licensed and appointed bail bond agent in this state, and who shall be responsible for the supervision of their bail bond agents. The records of all bail bonds written in this state must be made available within 48 hours after being requested by the Department. Failure to provide documents when requested will result in the managing general agent and insurer being subject to administrative action.

Specific Authority 648.26 FS. Law Implemented 648.25, 648.27, 648.388, 648.48 FS. History--New 4-14-97, Amended _____.

4-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

Section 648.34(2)(c), Florida Statutes, is interpreted to mean that Every bail bond agent must be actively engaged in the bail bond business that business; in that a building place of business suitably designated as a bail bond agency, which such must be maintained open and accessible to the public to render service during reasonable business hours.