

~~(2) Except in the case of emergencies, the council shall give at least 7 days notice of any meeting to the public generally by publication in the Florida Administrative Weekly. The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting, and the address where persons may write to obtain a copy of the agenda.~~

~~(3) The council shall prepare an agenda in time to ensure that a copy of the agenda may be received by the public at least 7 days prior to the date of the scheduled meeting. The agenda may be changed prior to the meeting or at the meeting, for good cause, as determined by the person designated to preside and stated in the record.~~

~~(4) Notwithstanding the provisions of subsections (2) and (3) of this rule, the council may hold emergency meetings, pursuant to Section 120.53, Florida Statutes, for the purpose of acting on emergency matters affecting the public health, safety and welfare.~~

~~(2)(5) Fifty-one percent (51%) or more Five members of the appointed members of the council shall constitute a quorum necessary to transact business.~~

~~(3)(6) Three consecutive unexcused absences, or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant pursuant to Section 456.011(3), Florida Statutes. For the purposes of this rule, an absence shall be deemed excused if the council member's absence is caused by a health problem or condition verified in writing by a physician, or by an accident or similar unforeseeable tragedy or event, and the council member submits to the Executive Director a statement in writing attesting to the event and its circumstances prior to the next council meeting.~~

Specific Authority 456.004(5) FS. Law Implemented 456.011(3), 467.004 FS. History--New 1-26-94, Formerly 61E8-1.004, 59DD-1.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela E. King, Executive Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 6, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Related Forms
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Records in General
4-204.0225	Required Business Records
4-204.025	Department Forms

NOTICE OF ADDITIONAL HEARING AND CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 45, November 7, 2001 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been 3 workshops on this matter, and 3 previous hearings. The hearing held on September 5, 2002 was interrupted by an emergency and could not be completed; therefore an additional hearing is being scheduled.

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: 614.308(1), 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 624.307(1), 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., October 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 the contact person below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

THE PROPOSED RULES HAVE BEEN CHANGED TO READ AS FOLLOWS:

VIATICAL SETTLEMENTS

4-204.001 Purpose and Scope.

The purpose of this rule chapter is to administer the provisions of Part X of Chapter 626, Florida Statutes, governing the issuance of a license and the regulation and operations of viatical settlement transactions as provided therein.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.99277, 626.9921 FS. History—New _____.

4-204.002 Definitions.

The following terms as used in Part X of Chapter 626, Florida Statutes, are defined as follows:

(1) “Advertising” means any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a person to sell a life insurance policy or an interest in a life insurance policy pursuant to a viatical settlement contract or to purchase an interest in an insurance policy pursuant to a viatical settlement purchase agreement.

(2) “Affiliated person” as used in Section 626.9911(2), Florida Statutes, has the same definition as an affiliated party as defined by Section 624.310, Florida Statutes.

(3) “Control,” including the terms “controlling,” “controlled by,” and “under common control”, as used in Section 626.9911(2), Florida Statutes, means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a viatical settlement provider or viatical settlement broker, whether through the ownership of voting securities, by contract, or otherwise.

(4) “Escrow Form” as used in Section 626.9921, Florida Statutes, means a written agreement between a viatical settlement provider and an independent third-party trustee or escrow agent which specifies the duties and responsibilities of the independent third-party trustee or escrow agent with regard to a viatical settlement transaction.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.99277, 626.9921 FS. History—New _____.

4-204.004 Form Filings.

(1) Any form that had been previously approved that is subsequently changed or modified must be filed with the Department for approval and be approved prior to its use. The new filing must include the Florida file number of the original approved filing.

(2)(a) All form filings shall be made in accordance with paragraph (2)(b) below. All materials submitted shall be legible. A form filed that is illegible or that contains illegible materials will be returned unprocessed.

(b) A form filing must include:

1. A transmittal letter explaining the type and nature of the filing, stating whether the form is an escrow form, a viatical settlement contract, a viatical settlement purchase agreement, or a related form. A related form filing shall indicate the type of form with which it will be used. The transmittal letter shall also indicate if the form filing is a new filing or the resubmission of a previously disapproved form. If the form filing is a resubmission of a previously disapproved form, the transmittal letter shall indicate the date the form was last filed and the date of the disapproval and provide a reference to the previous Department file number. A resubmission shall also include copies of all previous correspondence including the disapproval letter.

2. A copy of the form being submitted.

(c) Each form must have a unique identifying form number in the lower left-hand corner of the first page of the form.

(d) Any items on the form that are intended to be variable must be bracketed and the filing must identify all possible variables.

(3) Form filings that are not part of an application for licensure shall be mailed to: Bureau of Life and Health Forms and Rates, Florida Department of Insurance, P. O. Box 8040, Tallahassee, FL 32301-8040. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Department of Insurance, Bureau of Life and Health Forms and Rates, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0331. Form filings may be submitted by email to: LHFRBureau@doi.state.fl.us (Note: address is case sensitive).

(4) Definitions. As used in this rule:

(a) New filing. A new filing is one that is being submitted for the first time. Revisions made to previously approved forms are also considered new filings.

(b) Resubmission of a previously disapproved form. A filing submission in response to a final disapproval from the Department is a resubmission.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.99277, 626.9921 FS. History—New _____.

4-204.006 Forms Review.

(1) Forms to be used in Florida shall comply with Florida law and rules regardless of whether they are to be used in other jurisdictions.

(2) After reviewing a form filing, if the Department has questions, the Department shall issue a letter of clarification. The licensee shall submit the required data by a date certain stated in the letter of clarification, to allow the Department sufficient time to perform a proper review. Failure to correct the deficiencies by the date certain in the letter of clarification will result in an affirmative disapproval of the filing by the Department.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.9927, 626.9921 FS. History—New _____.

4-204.010 Viatical Settlement Contracts and Related Forms.

(1) The viatical settlement contract must provide the following minimum information:

(a) The name, residence and mailing address of the viator and the name, residence, and mailing address of the insured if different from the viator;

(b) The legal name of the insurance company;

(c) The insurance company's policy number;

(d) The issue date of the insurance policy and, if the policy has been converted, the date of conversion and the new policy number, if there is one;

(e) The face amount of the insurance policy and the percentage of the policy being viaticated;

(f) The type of insurance policy being viaticated; e.g., group, term, universal or whole life;

(g) The name and address of the independent third-party trustee or escrow agent;

(h) The agreed upon payment to the viator, and

(i) The disclosures required by Section 626.9924(1), Florida Statutes, which shall be made on a separate page, and require a separate signature and date by the viator.

(2) The last page of the viatical settlement contract shall be a signature page which contains the following:

(a) The typed or printed name of the viator, the signature of the viator, and the date and place (city and state) the viator signed the viatical settlement contract;

(b) The typed or printed name and signature of the person authorized to act on behalf of the viatical settlement provider, the viatical settlement provider's Florida license number and the date the person signed the viatical settlement contract;

(c) The typed or printed name, address, and Florida license number of the broker, if any, who brokered the viaticated policy; and

(d) The state(s) and dates in which executions of the viatical settlement contract occurred by each party to the viatical settlement contract.

(3) The disclosures mandated by Section 626.99181, Florida Statutes, shall be memorialized for all executed viatical settlement contracts by means of the viatical settlement broker's completing Form DI4-1508, "Viatical Settlement Broker Compensation Disclosure", as adopted in Rule 4-204.025, F.A.C. The completed form shall be retained by the viatical settlement broker as provided by law.

(4) A true and accurate copy of the disclosures required by Section 626.9923, Florida Statutes, which were made at the time of the application for the viatical settlement contract, shall be attached to any executed viatical settlement contract.

Specific Authority 624.308(1), 626.9925, 626.9921, 626.9923, 626.9924 FS. Law Implemented 624.307(1), 626.9925, 626.9921, 626.9923, 626.9924 FS. History—New _____.

4-204.012 Viatical Settlement Purchase Agreements.

(1) The viatical settlement purchase agreement shall provide the following minimum information:

(a) The name, residence, and mailing address of the viatical settlement purchaser;

(b) The name, address, state of domicile, and license number of the viatical settlement provider who viaticated the policy;

(c) The name and address of the independent third-party trustee or escrow agent utilized or to be utilized in effectuating the transaction;

(d) The name and address of the person responsible for tracking the insured; and

(e) The name and address of the person responsible for paying the premiums until the death of the insured.

(2) The last page of the viatical settlement purchase agreement shall be a signature page that contains the following:

(a) The typed or printed name and signature of the viatical settlement purchaser and the date and place (city and state) the viatical settlement purchaser signed the viatical settlement purchase agreement; and

(b) The typed or printed name, address, signature, and Florida license number of the sales agent who had direct contact with the viatical settlement purchaser in the offering or selling of the viaticated policy.

(3) The disclosures required by Section 626.99235(2), Florida Statutes, shall be contained within the body of the viatical settlement purchase agreement under the heading:

"DISCLOSURES REQUIRED BY FLORIDA LAW".

(4) Each viatical settlement purchase agreement must also give notice to the viatical settlement purchaser of the disclosures mandated by Section 626.99236, Florida Statutes. The notice required by this subsection shall be made in not less than 10 point type, under the heading:

"FURTHER DISCLOSURES TO BE MADE".

Specific Authority 624.308(1), 626.9925, 626.9921, 626.99235, 626.99236 FS. Law Implemented 624.307(1), 626.9925, 626.9921, 626.99235, 626.99236 FS. History—New _____.

4-204.022 Required Records in General.

For the purpose of this rule, a “viatical settlement transaction” is defined as a transaction in which there is an offer and acceptance to buy or sell all or any part of the death benefits of a life insurance policy pursuant to an executed viatical settlement contract or a viatical settlement purchase agreement.

(1)(a) Each licensed viatical settlement provider shall establish and maintain a viatical settlement transaction file for:

1. Each viator entering into a viatical settlement contract with the provider; and

2. Each viatical settlement purchaser entering into a viatical settlement purchase agreement with the provider.

(b) The files shall be maintained for at least 3 years after the death of the insured.

(2) Each viatical settlement transaction file established and maintained by the licensed viatical settlement provider for a viator shall contain all information regarding all insurance policies viaticated by the provider for that viator as well as the settlement contract identifier for that viator. The file shall be clearly cross-referenced and identified by the full legal name of all viatical settlement purchasers having an interest in all or any part of the death benefits of an insurance policy viaticated by that viator.

(3) Each viatical settlement transaction file established and maintained by the viatical settlement provider for a viatical settlement purchaser shall contain all information regarding all viaticated policies in which that viatical settlement purchaser has an interest. The file shall be clearly cross-referenced and identified by the full legal name and settlement contract identifier of the viator and the viatical settlement transaction files of all viators and their respective settlement contract identifier in whose policy the viatical settlement purchaser has an interest.

(4) Viatical settlement transaction files for viators maintained by providers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:

(a) The viatical settlement contract, signed and dated by both the viator and the viatical settlement provider;

(b) The settlement contract identifier;

(c) The executed application for a viatical settlement;

(d) The application for insurance;

(e) The verification of coverage form from the insurer;

(f) The release of medical records form signed by the insured;

(g) A signed and witnessed document as required by Section 626.9924(1), Florida Statutes;

(h) The escrow agreement;

(i) All life expectancy certifications issued on the life of the insured;

(j) If the policy is contestable, the 20 day notice to the insurer as required by Section 626.9924(7), Florida Statutes;

(k) The identity and methodology used or to be used to track the insured, a record of contacts with the insured, and the insured’s current location;

(l) If the owner is not the insured, the notice to the insured required by Section 626.9924(8), Florida Statutes;

(m) The name and address of the owner of the policy after viatication;

(n) The names and addresses of all persons purchasing or having an interest in the viaticated policy;

(o) The percentage of the face amount of the policy viaticated, the amount paid for the policy, the date and place such funds were deposited, and proof of payment to the viator;

(p) If the insured is deceased, a copy of the death certificate and proof of payment to all persons having an interest in the death proceeds of the policy;

(q) The disclosures required by Section 626.9923, Florida Statutes;

(r) The name, address, city, and state of the viatical settlement broker or person who negotiated the viatical settlement transaction if the transaction was not transacted directly with the viator;

(s) The name, address, city, and state of the original viatical settlement purchaser of the viaticated policy if the policy was not purchased directly from the viator;

(t) The medical records of the insured;

(u) A copy of any complaint received from the viator or the viator’s representative and its resolution if resolved. If unresolved, an explanation as to the status of the complaint;

(v) A copy of any documents that evidence any cash advance to the viator or to any other person involved in negotiating the transaction for the viator;

(w) If the policy was a group policy or certificate, a copy of the application for conversion and the policy conversion number; and,

(x) The life insurance policy.

(5) Viatical settlement transaction files maintained by providers for viatical settlement purchasers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:

(a) The viatical settlement purchase agreement signed and dated by the viatical settlement provider, the viatical settlement sales agent, and the viatical settlement purchaser;

(b) The disclosures required by Section 626.99236, Florida Statutes;

(c) Proof of deposit of the purchaser’s funds;

(d) Proof of how purchaser’s funds were allocated;

(e) Identity of the insurer and the insurance policy number;

(f) All status reports on the health condition of the insured provided to the purchaser;

(g) Proof of payment of proceeds for all policies matured; if a policy has matured and proceeds have not been paid to a purchaser, an explanation as to the status of the payment;

(h) Evidence that any reinvestment of death proceeds into another viaticated policy was authorized by the purchaser;

(i) The name, address, city and state of the sales agent or person selling the viaticated policy or an interest therein to the purchaser;

(j) A record of premium advances, cash withdrawals or policy loans, if any, for which the purchaser is responsible; and,

(k) Any complaint received from the purchaser or a purchaser's representative and the provider's response thereto.

(6) Each viatical settlement broker shall establish and maintain a viatical settlement transaction file for each viator for whom the broker performed the functions of a viatical settlement broker. Such files shall be maintained for at least 3 years after the death of the insured.

(7) Viatical settlement transaction files for viators maintained by brokers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:

(a) The viatical settlement contract;

(b) The application for a viatical settlement;

(c) The application for insurance;

(d) The verification of coverage form from the insurer;

(e) The release of medical records form signed by the insured;

(f) A signed and witnessed document as required by Section 626.9924(1), Florida Statutes;

(g) All life expectancy certifications issued on the life of the insured;

(h) The identity and methodology used or to be used to track the insured, a record of contacts with the insured, and the insured's current location;

(i) The name and address of the owner of the policy after viatication;

(j) The percentage of the face amount of the policy viaticated, the amount paid for the policy, the date and place such funds were deposited, and proof of payment to the viator;

(k) The disclosures required by Section 626.9923, Florida Statutes;

(l) The medical records of the insured;

(m) A copy of any complaint received from the viator or the viator's representative and its resolution if resolved. If unresolved, an explanation as to the status of the complaint;

(n) A copy of any documents that evidence any cash advance to the viator or to any other person involved in negotiating the transaction for the viator; and,

(o) If the policy was a group policy or certificate, a copy of the application for conversion and the policy conversion number.

(8) Each viatical settlement sales agent shall establish and maintain a viatical settlement transaction file for each viatical settlement purchaser for whom the sales agent performed the

functions of a viatical settlement sales agent. Such files shall be maintained for a minimum of 3 years after the death of the insured.

(9) Viatical settlement transaction files maintained by viatical settlement sales agents for viatical settlement purchasers shall contain for each viatical settlement purchase agreement, as a minimum, the original or a true and correct copy of the following information:

(a) The viatical settlement purchase agreement;

(b) The disclosures required by Section 626.99236, Florida Statutes;

(c) Any complaint received from the purchaser or a purchaser's representative and the sales agent's response thereto.

(10) In addition to the requirements of subsections (4) through (9) of this rule, each viatical settlement transaction file for a viator or for a viatical settlement purchaser shall also contain the original or a true and correct copy of: all agreements, correspondence, memoranda, analysis, disclosures, medical reports or evaluations, status reports, underwriting analysis, work papers, fraud reports or documents sent, received, reviewed or obtained by or on behalf of a viatical settlement provider, a broker, a related provider trust, or an escrow agent, including but not restricted to, correspondence, memoranda, and notes, from or to: a viator, a broker, a sales agent, an independent third party trustee or escrow agent, a medical professional, a viatical settlement provider, an insurer, an insured, a viatical settlement purchaser, a viatical settlement purchaser's representative, an officer, a director, an employee, a financing entity, a special purpose entity, a controlling person, a consultant, a person responsible for tracking an insured, a government agency or regulatory body, or any person acting on behalf of such persons with regard to that specific viatical settlement transaction.

(11) For each viaticated policy that is either not the subject of a viatical settlement purchase agreement, or is a subject of a viatical settlement purchase agreement to which a licensee or approved related provider trust is not a party, the viatical settlement transaction file shall also contain all documentation relating to the disposition of that viaticated policy.

Specific Authority 624.308(1), 626.9925, 626.9922 FS. Law Implemented 624.307(1), 626.9925, 626.9922 FS. History--New

4-204.0225 Required Business Records.

(1) Every viatical settlement provider shall have and maintain financial records, to include a book of original entry and related subsidiary journals and ledgers.

(2) Every licensed viatical settlement provider shall establish and maintain a medical professional file which contains, at a minimum, information regarding the credentials, qualifications, or license, of each person (the "medical professional") issuing or performing life expectancy certifications for the viatical settlement provider. The

information relating to any specific medical professional shall be maintained for at least 3 years after the death of the last insured for whom the medical professional issued a life expectancy certification and whose policy was viaticated by the provider.

(3) Each licensee shall establish and maintain at its office of record an advertising file containing a true copy of every advertisement. The file shall include the source of the advertisement. Each advertisement shall become part of the file as of the date the advertisement is first published or otherwise used, and shall be maintained in the file for at least 3 years after the last date of publication or use of the advertisement.

(4) Each licensee shall establish and maintain as a permanent file a forms file, which file shall contain a true copy of every form approved by the Department.

(5) Each licensee shall establish and maintain a litigation file containing a true and correct copy of any administrative, civil, or criminal action involving the licensee or its business of viatical settlements. The file shall contain petitions, filed complaints, law suits and other charging documents, and information regarding the status of any such action, including disposition. These documents shall be maintained for at least 3 years after the resolution of such action.

(6) Each licensee shall establish and maintain a record of all of its accounts with any financial institutions, regardless of location, and a record of all authorized signatories on such accounts, to include but not restricted to: business accounts, escrow accounts, and premium reserve accounts.

(7) The records required by the Viatical Settlement Act and these rules shall be established and maintained in accordance with Section 626.9922(3), Florida Statutes.

Specific Authority 624.308(1), 626.9925, 626.9922 FS. Law Implemented 624.307(1), 626.9925, 626.9922 FS. History--New

4-204.025 Department Forms.

(1) The following form are hereby incorporated by reference to administer the provisions of Part X, Chapter 626, Florida Statutes:

(a) DI4-1288 (Rev 3/02) Viatical Settlement Provider Annual Report;

(b) DI4-1508 (Rev 8/01), Viatical Settlement Broker Compensation Disclosure.

(2) Copies of the forms may be obtained from the Department of Insurance, Application Coordination Section, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9925 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE NO.: 6F-2.006 RULE TITLE: Probable Cause Panel

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 6F-2.006, F.A.C., published in Vol. 28, No. 34, pg. 3645, August 23, 2002, Florida Administrative Weekly, has been changed to reflect comments received from the Joint Administrative Procedures Committee, and during public discussion at the Rules Development Workshop on August 23, 2002. The proposed rule has been changed so that when adopted it will read:

6F-2.006 Probable Cause Panel.

(1) The chair of the Commission shall appoint three people to a Probable Cause Panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each Probable Cause Panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(2) Current Commission members who serve on a Probable Cause Panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(3) If a Commission member has reviewed a case as a member of the Probable Cause Panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

Specific Authority 246.213(1), 246.226(3) FS. Law Implemented 246.226 FS. History--New

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE. Rows include 9J-11, 9J-11.006, 9J-11.009, and 9J-11.019 with their respective titles.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 30, July 26, 2002, issue of the Florida Administrative Weekly.

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

(1) through (a)7.o. No change.

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

q. through r. No change.

8. through 10. No change.

(b) through (c) No change.

(2) through (3) No change.

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

(1) through (3) No change.

(4) If the Department receives a request to review from the appropriate regional planning council or an affected person (within 30 calendar days of transmittal of the proposed amendment) or the Department elects to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision to review within 35 calendar days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person, as defined in Subsection 163.3184(1)(a), Florida Statutes. The Department will ~~may~~ reject a request to review by an individual if it determines there are insufficient facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(5) through (7) No change.

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

(1) The Department shall ~~may~~ require a local government to submit one or more land development regulations for review if it has reasonable grounds to believe that the local government has completely failed to adopt one or more of the regulations required by Section 163.3202, Florida Statutes.

(2) through (5) No change.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the Notice of Proposed Rulemaking for Rule 40D-1.659, F.A.C., to incorporate the Wholesale Public Supply Water Use Permit Application, Form No. 46.20-014 (___/02) published in Vol. 28, No. 27, Pages 2884 and 2885 on July 5, 2002 of the Florida Administrative Weekly, and subsequent Notice of Change published in Vol. 28, No. 30, Page 3277 on July 26, 2002 of the Florida Administrative Weekly.

A HEARING WILL BE HELD during District's monthly Governing Board Meeting AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 24, 2002

PLACE: Boardroom, Southwest Florida Water Management District's, 6750 Fruitville Road, Sarasota, FL 34232, (941)377-3722

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.012
RULE TITLE: Coordinating Board Structure and Duties

NOTICE OF ADDITIONAL PUBLIC HEARING

The Commission for the Transportation Disadvantaged hereby gives notice of an additional public hearing on the above-referenced rule to be held on November 8, 2002, at 8:45 a.m., or as soon thereafter as can be heard, at the Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, Florida 34134. The Commission held a public hearing by telephone conference call on this rule on September 12, 2002. The Commission will take additional testimony at the November meeting due to extensive comments and follow-up documentation the public wished the Commission to consider. The rule was originally published in Vol. 28, No. 23, of the June 7, 2002, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-7.0015
 RULE TITLE: Continuing Education Requirement
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (3), (4), (5) and (6) shall now read as follows:

(3) For the first renewal period after initial licensure, the licensee is exempt from the continuing education requirements of Rule 64B1-7.0015, F.A.C., except for the continuing education hours mandated for medical errors.

(4) Credit hours are not retroactive or cumulative. All credit hours must be earned within the biennium for which they are claimed.

(5) Continuing education credit up to a maximum of two hours will be awarded for each hour of attendance at a Board meeting at which another licensee is disciplined pursuant to Section 456.013(6), F.S. Only one credit hour will be granted for each hour of attendance.

(6) The Board and/or the Department will audit a number of licensees who are selected at random as is necessary to assure that the continuing education requirements are met. Each licensee shall retain such receipts, vouchers or certificates as may be necessary to document completion of the continuing education requirements for a period of 2 years following the biennium for which they are applied. Failure to document compliance with the continuing education requirements, or furnishing false or misleading information regarding compliance shall be grounds for disciplinary action under Rule 64B1-9.001, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.002
 RULE TITLE: Guidelines for Disposition of Disciplinary Cases
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(p) of Proposed Rule 64B6-7.002, F.A.C., shall now read as follows:

64B6-7.002 Guidelines for Disposition of Disciplinary Cases.

(1)(p) Section 484.056(1)(p), F.S.: Implying that use of a hearing aid will improve or preserve hearing or retard impairment – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.002
 RULE TITLE: Criteria for Approved Continuing Education
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 37, September 13, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001
 RULE TITLE: Licensure as a Physical Therapist by Examination
 NOTICE OF PUBLIC HEARING

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rule to be held on November 2, 2002 at 8:30 a.m., at the Wyndham Miami Airport Hotel, 3900 N.W. 21st Street, Miami, Florida 33142. This public hearing is being held to consider foreign education equivalency, credentialing, and the feasibility of a

credentialing agency approval process. The rule was published in the Vol. 28, No. 36, September 6, 2002 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001
 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

NOTICE OF PUBLIC HEARING

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rule to be held on November 2, 2002 at 8:30 a.m., at the Wyndham Miami Airport Hotel, 3900 N.W. 21st Street, Miami, Florida 33142. This public hearing is being held to consider foreign education equivalency, credentialing, and the feasibility of a credentialing agency approval process. The rule was published in the Vol. 28, No. 36, September 6, 2002 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

CHAPTER NO.: 68C-22
 CHAPTER TITLE: Manatees
 RULE NO.: 68C-22.011
 RULE TITLE: Citrus and Associated County (Parts of Levy and Hernando) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.011, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 17 (in Lecanto) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the rule as proposed but language was added at the end of the rule regarding when the amended zones would take effect. The rule text that was added is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330). Rule 68C-22.011, F.A.C., Citrus and Associated County (Parts of Levy and Hernando) Zones.

(1) through (3) No change.

(4) The amendments to Rule 68C-22.011, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER02-5
Department of Revenue Electronic Database	12BER02-6
Certification of Service Address Databases	12BER02-7
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER02-8

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been