

(4) The Consolidated Need Standard is based on 100 per cent of the current federal poverty standard. The Eligibility Standard is based on 185 per cent of the current federal poverty standard. Consolidated Need Standards and Eligibility Standards are as follows:

(a) The Consolidated Need Standard (CNS) and Eligibility Standard (ES) are as follows:

Family Size	CNS	ES
1	\$671	1242
2	905	1673
3	1138	2105
4	1371	2537
5	1605	2968
6	1838	3400
7	2071	3832
8	2305	4263
9	2538	4695
10	2771	5127
11	3005	5558
12	3238	5990
13	3471	6422
Add Each Additional Person	\$234	432

(b) No change.

(5) No change.

(6) ~~If the temporary cash assistance child is deprived of parental support due to the incapacity or incarceration of their parent then extensions of up to three months of cash assistance are granted when the incapacity or incarceration of a parent ends. If the parent returns to employment or assumes the usual child care or housekeeping duties, the extension is terminated. Assistance can be continued for only one month following the month of departure when the recipient moves out of the state and requests the extension.~~

Specific Authority 414.45 FS. Law Implemented 414.095 F.S. History--New 1-31-94, Amended 10-9-96, Formerly 10C-1.504, Amended 11-30-98, Formerly 65A-1.504, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy, (850)488-3090

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: November 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 20, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:

4-154.102

4-154.112

RULE TITLES:

Applicability and Scope

Guaranteed Availability of

Individual Health Coverage to

Eligible Individuals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 43, October 25, 2002, of the Florida Administrative Weekly. These changes are being made due to concerns expressed in written comments regarding the Notice of Hearing.

1) Subsection (2) of Rule 4-154-102, F.A.C., is changed to read:

(2) Rules 4-154.110 through 4-154.112 and Rules 4-154.114 through 4-154.116, F.A.C., shall also apply to insurance coverage subject to the provisions of Section 627.6487, Florida Statutes. Notwithstanding the foregoing, nothing in this rule chapter shall be construed to establish that the Department has rate approval authority over any rate applicable to a group policy issued to an association outside this state, where that authority is not separately conferred by statute.

2) Subsection (6) of Rule 4-154.112, F.A.C., is changed to read:

(6) Each issuer offering health insurance coverage in the individual market must disclose, in writing, to all applicants at the time of application the availability of guarantee issue coverage for eligible individuals. Each issuer offering health insurance coverage in the individual market is responsible for informing the applicant at the time of application of the information necessary to determine determining whether an applicant for coverage is an eligible individual as defined in Section 627.6487(3), Florida Statutes as follows:

(a) through (c) No change.

(7) through (8) No change.

The remainder of the proposed rule will read as previously published.

DEPARTMENT OF INSURANCE

RULE NOS.:

4-157.023

4-157.103

4-157.104

4-157.107

4-157.108

RULE TITLES:

Reporting

Definitions

Policy Practices and Provisions

Required Disclosure of Rating

Practices to Consumers

Initial Filing Requirements

4-157.110	Requirements for Application Forms and Replacement Coverage
4-157.111	Reporting Requirements
4-157.113	Premium Rate Schedule Increases
4-157.114	Filing Requirement – Out of State Groups
4-157.121	Requirement to Deliver Shopper’s Guide
4-157.122	Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 36, September 6, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and by the Joint Administrative Procedures Committee.

(1) Rule 4-157.023(2) is changed by adding after Appendix J: “Replacement and Lapse Reporting Form” (10/02).

(2) Rule 4-157.023(6) is changed to add after “state” to read, in the format as prescribed in Appendix E: “Claims Denial Reporting Form” (10/02) and Rule 4-157.023(8) is changed to add after Appendix A: “Rescission Reporting Form” (10/02), and Rule 4-157.023(9) is changed to add before “shall”: “are available from and”.

(3) Rule 4-157.103(2) is changed to read: (2) “Assisted living facility” shall be defined in the policy and shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services.

(4) Rule 4-157.103(3)(c) is changed to read: (c) If the insurer is unable to provide justification that the reason for the rate increase meets the definition of “exceptional increase”, the Department shall contract a review by an independent actuary or a professional actuarial body, at the expense of the insurer making the filing, of the basis for a request that an increase be considered an exceptional increase. If the review does not determine the basis to be an exceptional increase or if the company does not agree to the contract proposed by the Department, the filing shall be considered as not meeting the definition of exceptional increase.

(5) Reference to Section 400.021(11) in Rule 4-157.103(11) is changed to 400.021(13).

(6) Rule 4-157.104(4)(c)1.a. is changed to read: No long-term care policy shall provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care in the aggregate as determined by the insured for each policy, shall provide a level of benefits equivalent to at least 50 percent of the benefits provided for

nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefits amount shall be at least \$50 per day.

(7) Subparagraph 8. of Rule 4-157.104(4)(d) is deleted and the words “Unless the policy is provided to the certificateholder” are deleted from Rule 4-157.104(5)(c).

(8) Rule 4-157.104(10) is changed to read:

(a) Except for premium rate increases pursuant to Rule 4-157.113, F.A.C., or due to benefit changes elected by the insured, the premium rate schedule shall be based on the issue age of the insured. Pursuant to section 627.410(6)(d), F.S., a company is prohibited from using any rate schedule or rating practice which use select and ultimate rating or where the rate varies based on an insured’s year of issue or duration that the coverage has been in effect based on the benefits contracted at the issuance of the coverage. Except for differences in rates attributed to differences in modal payment, any discount provided at issue may not be removed once issued.

(b)1. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under Rule 4-157.118(3)(c), F.A.C., the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium. 2. A reduction in benefits shall not be considered a premium change, but for purpose of the calculation required under Rule 4-157.118(3)(c), F.A.C., the initial annual premium shall be based on the reduced benefits.

(9) Rule 4-157.107(3) is changed to read: (3) An Insurer shall use the content and format of Appendices B, “Long Term Care Personal Worksheet” (10/02) and F, “Potential Rate Increase Disclosure Form” (10/02), which are incorporated herein by reference, to comply with the requirements of Rules 4-157.107(1), F.A.C. All Appendices adopted and incorporated by reference in this rule chapter are available from the Bureau of Life and Health Forms and Rates, 200 E. Gaines Street, Tallahassee, Florida 32399-0328.

(10) The first sentence in Rule 4-157.108(2) is changed to read: (2) If the filed material is inadequate to substantiate the reasonableness of the premiums, the Department shall request an actuarial demonstration that benefits are reasonable in relation to premiums.

(11) Rule 4-157.110(3)(c) is changed to add after “G”, “Notice to Applicant Regarding Replacement of Individual Accident and Sickness or Long Term Care Insurance” (10/02) and 4-157.110(4)(b) is changed to add after “H”, “Notice to Applicant Regarding Replacement of Accident and Sickness or Long Term Care Insurance” (10/02).

(12) In Rule 4-157.111 the titles and revision dates for the Appendices referenced are added.

(13) Rule 4-157.113(1)(d)1. is changed to read:

(d) An actuarial memorandum justifying the rate schedule change request that includes:

1. Lifetime projections of earned premiums and incurred claims based on both the current rate schedule and the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including a summary and the reason for any assumptions that deviate from those used for pricing other forms currently available for sale;

a. Pursuant to S. 627.410, (6)(e)3., F.S. and as is provided in Rule 4-149, F.A.C., the experience of all similar policy forms as defined in Rule 4-157.103(17), F.A.C., shall be combined for all rating purposes. However, forms providing only non-institutional benefits may utilize different experience pools based upon similar benefits consistent with Rule Chapter 4-149, F.A.C.

b. The projections shall include the development of the lifetime loss ratio, including calendar year values for the complete history of the experience of the business and projections of the remaining future lifetime of the business, unless the rate increase is an exceptional increase;

c. The projections shall demonstrate compliance with Rule 4-157.113(2), F.A.C., if the form is subject to Part II of these rules, or compliance with Rule 4-149, if the form is subject to Part I of these rules; and

d. For exceptional increases;

(I) The projected experience shall be limited to the increases in claims payments attributable to the approved reasons for the exceptional increase; and

(II) In the event the Department determines as provided in Rule 4-157.103(4)(d), F.A.C., that offsets may exist, the insurer shall use appropriate net projected experience.

(14) Paragraph (c) of 4-157.113(11) is deleted.

(15) Rule 4-157.113 is changed by revising subsection (6)(a) to read: (a) A plan for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect. Such plan shall be approved by the Department, unless the Department finds that the plan does not meet the above conditions. If the plan is not approved, the Department shall impose the condition in subsection 4-157.113(7), F.A.C.; and subsection (8)(a) is changed to read: (8) If the Department determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the Department shall, in addition to the provisions of subsection 4-157.113(7), F.A.C., prohibit the insurer from:

a. Filing and marketing comparable coverage for a period of up to 5 years; and

b. Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

In subsection (9) change the reference from 4-157.103(8) to 4-157.103(7).

(16) Several Appendices referenced throughout the rules are specified by title and provided revision dates.

(17) Paragraph 4-157.114(2)(i) is changed to delete 627.94072 and insert 627.94073.

(18) Rule 4-157.121 is changed to delete the words "or approved" after "developed", and to incorporate the National Association of Insurance Commissioners Shopper's Guide by reference.

(19) Rule 4-157.122 is changed to add at the end of the last sentence:, however, such penalty shall not exceed the amounts specified in Sections 624.4211 or 626.9521(2), F.S.

The remainder of the reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-4.004	Registration
5J-4.005	Exemption
5J-4.007	Reduction of Security

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In Rule 5J-4.004, F.A.C., the first sentence is amended to read: "Any person who intends to open or operate as a health studio shall, prior to engaging in such activities, register with the Department using ~~Form~~ DACS 10300, Health Studio Registration, Revised 7-10-94 and 7-01-01, hereby incorporated by reference."

Specific Authority 501.014(2)(~~6~~) FS. Law Implemented 501.015(1),(2),(4) 501.017 FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, _____.

2) In Rule 4.005(1), F.A.C., the first sentence is amended to read: "Any person claiming an exemption pursuant to the provisions of Section 501.013, Florida Statutes, from the health studio laws shall, prior to engaging in health studio activities, file with the Department ~~the executed an affidavit on Form 10301~~, Affidavit of Exemption, which is included in Form DACS 10300, revised 7-10-94 and 7-01-01, hereby incorporated by reference."

Specific Authority 501.014(2)(~~6~~) FS. Law Implemented 501.013, ~~501.016(6),(7)~~ FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, _____.

3) Rule 5J-4.007 Specific Authority change.

Specific Authority 501.014(2)(~~6~~) FS. Law Implemented 501.016(4) FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, Repealed _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-6.005	Licensing Requirement, Commercial Telephone Seller, Salesperson
5J-6.013	Exemption
5J-6.014	Denials

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In subsection 5J-6.005(1), F.A.C., the second sentence is amended to read: "All applications for a license shall be in writing, on a form DACS 10001, effective 5-3-02, hereby incorporated by reference and provided as herein by the Department, verified by the applicant, and accompanied by the required fee."

2) In paragraph 5J-6.005(2)(4)(a), F.A.C., the paragraph is amended to read:

(2)(4)(a) In the event a licensed commercial telephone seller hires an employee to function as a salesperson, but the employee does not possess a current commercial telephone salesperson license, the licensed commercial telephone seller may obtain interim operating authority for the unlicensed salesperson from the Department by submitting the Application for license as a Commercial Telephone Salesperson and the Statement of Verification, which are included in fForm DACS 10001, 10002 effective 5-3-02, hereby incorporated by reference, and a written request that the applicant be granted interim operating authority. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

3) In subsection 5J-6.013(1), F.A.C., the first sentence is amended to read: "Any business entity claiming an exemption pursuant to Section 501.608(1)(b), Florida Statutes, shall file the Affidavit of Exemption included in fForm DACS 10001

~~10005 entitled Affidavit of Exemption, Florida Telemarketing Act, effective 5-3-02 6-26-94,~~ hereby incorporated by reference.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
5J-12.002	Registration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In paragraph 5J-12.002(1)(a), F.A.C., the first sentence is amended to read as follows:

Any person who intends to operate a motor vehicle repair shop shall, before engaging in such activities, annually apply for and obtain a registration certificate from the Department using fForm DACS 10900, Registration Application Form, Motor Vehicle Repair Act, effective 1-18-95, revised 9-13-01, hereby incorporated by reference.

2) Specific Authority is amended to read as follows:

Specific Authority 570.07(23), 559.2201 FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

DEPARTMENT OF REVENUE

AMENDED NOTICE OF CABINET HEARING

The Department of Revenue announces a revised agenda for the public hearing that was noticed in the November 15, 2002 edition of the Florida Administrative Weekly:

DATE AND TIME: November 26, 2002, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rules 12D-7.003, 12D-7.0143, 12D-8.006, 12D-8.008, 12D-8.011, 12D-13.009, 12D-13.011, 12D-13.024, 12D-13.052, 12D-16.002, excluding paragraphs (25)(a) and (b), and new Rule 12D-51.003, Florida Administrative Code, and Florida Real Property Appraisal Guidelines. The revision to the agenda originally published on November 15, 2002 is that the proposed amendments to Rule 12D-10.004, Florida Administrative Code, will not be considered, and the proposed amendments to Rule 12D-16.002, Florida Administrative Code, do not include proposed changes to paragraphs (25)(a) and (b) of the rule. Notice of this proposed adoption was published in the Florida Administrative Weekly of October 4, 2002, Vol. 28, No. 40, pp. 4212-4223. A notice of change to Rules 12D-13.009 and 12D-16.002, Florida Administrative Code, was published in the Florida Administrative Weekly of November 15, 2002, Vol. 28, No. 46.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

NOTICE OF WITHDRAWAL

The original notice of rulemaking for the State Road 710 interchange as published in Vol. 28, No. 34, Florida Administrative Weekly, dated August 23, 2002. A change notice was published in Vol. 28, No. 45, Florida Administrative Weekly, dated November 8, 2002. A design public hearing was supposed to have been published in that same November 8, 2002, issue. Unfortunately, the original notice of rulemaking was inadvertently sent electronically and was published in Section II of that issue (pages 4852 and 4853). This withdrawal notice is intended to withdraw the November 8, 2002, republished notice of rulemaking and will have no effect upon the notice which was published on August 23, 2002.

NOTE: The design public hearing, which was supposed to have been published in the November 8, 2002, issue was published in the November 15, 2002, issue.

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE NO.:	RULE TITLE:
25-17.0832	Firm Capacity and Energy Contracts Notice of Hearing Date

NOTICE OF CHANGE

The Public Service Commission notifies all interested persons that a hearing has been scheduled. The proposed rule changes were published in the October 25, 2002 Florida Administrative Weekly, Vol. 28, No. 43.

The hearing will be held at the following time and place:

TIME AND DATE: 9:30 a.m. – 5:00 p.m., March 19, 2003

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

PERSON TO BE CONTACTED: Richard C. Bellak, Appeals, Rules & Mediation Section of the Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0852, (850)413-6098

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.101	Employee Grooming, Uniform and Clothing Requirements

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. 35, (August 30, 2002), issue of the Florida Administrative Weekly:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (8) No change.

(9) Correctional Probation Officer Badges.

(a) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.

1. The circuit administrator shall issue badges to officers after certification is received.

2. The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:

a. Badge number,

b. Name of officer, in the last-name-first-first-name-last format (or blank if not issued),

c. Circuit and office location,

d. Status (including issued, not issued, ~~stolen~~, lost, or retired), and

e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, ~~the total number of badges stolen~~, the total number of badges lost, and the total number of badges retired.

3. The regional director or designee shall compile the circuit inventories to complete quarterly regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.

(b) Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" by 1-5/16" in size and silver colored metal for correctional probation officers and correctional probation senior officers and gold color for correctional probation specialists, correctional probation supervisors, correctional probation senior supervisors, correctional probation administrators, and fugitive apprehension coordination team correctional services consultants. Badges shall be pre-numbered with black lettering. The badges shall be carried in badge cases which shall be issued by the department.

(c) Use of the issued badge as a credential for personal purpose is prohibited.

(d) Badges shall be readily accessible in order for the correctional probation officer to properly identify himself or herself to the public.

(e) ~~Loss or theft~~ of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was ~~stolen or lost. Theft or~~ Loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost or stolen.

(f) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(g) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(h) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.

(i) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge. The badge of a correctional probation officer who is killed in the line of duty shall be presented to the employee's next of kin.

(10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.:

33-601.100

RULE TITLE:

Inmate Orientation

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. 42, October 18, 2002, issue of the Florida Administrative Weekly:

33-601.100 Inmate Orientation.

Upon initial arrival in the Department of Corrections, ~~as well as upon transfer within the department,~~ each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections, ~~as well as information particular to the local institution~~ shall be explained ~~to the inmate.~~ Upon transfer within the Department, each inmate shall be provided with orientation that is specific to the local institution. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation shall be made available. Copies of the rules and procedures shall also be available for inmate inspection in the institutional library.

DEPARTMENT OF CORRECTIONS

RULE NO.:

33-601.100

RULE TITLE:

Inmate Orientation

NOTICE OF WITHDRAWAL

Notice is hereby given that the notice of proposed rulemaking for the above rule, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly has been withdrawn. The notice of proposed rulemaking had already been published on October 18, 2002 and was inadvertently re-published on November 1, 2002.

DEPARTMENT OF CORRECTIONS

RULE NO.:

33-602.205

RULE TITLE:

Inmate Telephone Use

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 28, No. 42, October 18, 2002, will be held as follows:

TIME AND DATE: 10:00 a.m., Thursday, December 5, 2002

PLACE: Department of Corrections, Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Employee Leasing Companies**

RULE NO.:	RULE TITLE:
61G7-10.0014	Requirements for Evidence of Workers' Compensation Coverage

NOTICE OF WITHDRAWAL

Notice is hereby given that a Notice of Change for the above rule was filed in error for publication in Vol. 28, No. 45, November 8, 2002, Florida Administrative Weekly and that Notice of Change is being withdrawn. The rule was noticed in Vol. 28, No. 40, October 4, 2002, Florida Administrative Weekly.

DEPARTMENT OF HEALTH**Board of Acupuncture**

RULE NO.:	RULE TITLE:
64B1-6.005	Standards for Approval of Continuing Education Credit

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. 39, September 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) of the rule shall now read as follows:

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee's skills and knowledge related to the practice of acupuncture and oriental medicine. Programs should concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics. All continuing education courses are subject to evaluation and approval by the Board to determine that the continuing education course meets the criteria established by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program.

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 Acupuncture**

RULE NO.:	RULE TITLE:
64B1-7.001	Biennial Renewal of License

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. 39, September 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) The application for renewal constitutes certification by the licensee that the licensee meets all the eligibility requirements for renewal, including the continuing education requirements of Rule 64B1-7.0015, F.A.C. Each licensee certifies by renewal, completion of a two (2) hour HIV/AIDS program or two (2) hour course on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., a two (2) hour board approved course on the prevention of medical errors as described in s. 456.013(7), Florida Statutes, and a program on Chapters 456 and 457, Florida Statutes, and Chapter 64B1, 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 Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-14.007	Standard of Care for Office Surgery

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine, pursuant to the Notice of Proposed Rulemaking published in Vol. 28, No. 41, of the October 11, 2002 Florida Administrative Weekly, announces the scheduling of a public hearing at 1:00 p.m. on December 7, 2002, at the Adam's Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's 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.:

RULE TITLE:

64B17-3.001

Licensure as a Physical Therapist
by Examination**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. 36, September 6, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the public hearing held by the Board on November 2, 2002.

The rule shall now read as follows:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

(1) Is eighteen years old.

(2) Possesses a good moral character.

(3) Has received a degree in physical therapy from an institution that has been approved for the training of physical therapists by the Commission on Accreditation for Physical Therapy Education (CAPTE), at the time of graduation.

(4) For foreign graduates, has received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States. Educational credentials equivalent to those required for the education and preparation of physical therapists in this country shall be determined by the Federation of State Boards of Physical Therapy (FSBPT) or any other Board approved credentialing agency that meets at least the following criteria:

(a) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of physical therapy education.

(b) Has an audit and quality assurance or review committee that regularly meets to monitor the evaluation process and to provide random audits of the credentials reviews.

(c) Uses the Foreign Credentialing Commission on Physical Therapy (FCCPT) coursework evaluation tool.

(d) Employs full time staff support including an international expert in General Education credential equivalency and analysis.

(e) Has an updated, current, and comprehensive resource document library available for reference.

(f) Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.

(g) Uses two independent physical therapists to perform the professional education component of the credentials reviews.

(h) Uses original documentation from the institution with institutional seals and signatures and does not permit notarized copies of transcripts or course descriptions for credentials reviews.

(5) Has attained and submitted to the Board the following:

(a) A minimum of 75 professional education credits.

(b) A minimum of 60 general education credits.

(c) Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(d) A report from the credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of educational equivalency in the United States.

(e) At a minimum, the report shall contain the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapy educational program.

2. Whether the institution is accredited by any governmental agency and, if so, which agency.

3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.

4. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.

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

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.:

RULE TITLE:

64B17-4.001

Licensure as a Physical Therapist
Assistant by Examination**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. 36, September 6, 2002, issue of the Florida Administrative

Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the public hearing held by the Board on November 2, 2002.

The rule shall now read as follows:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

(1) Is eighteen years old.

(2) Possesses a good moral character.

(3) Has received a degree as a physical therapist assistant from an institution that has been approved for the training of physical therapist assistants by the Commission on Accreditation for Physical Therapy Education (CAPTE), at the time of graduation.

(4) For foreign graduates, has received a determination that the credentials are equivalent to education required for licensure as a physical therapist assistant in the United States.

(5) Has attained and submitted to the Board the following:

(a) Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(b) A report from a Board approved credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of educational equivalency in the United States.

(c) At a minimum, the report shall contain the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapist assistant educational program.

2. Whether the institution is accredited by any governmental agency and, if so, which agency.

3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.

4. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-19.003 Forms

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made in the proposed rule published in Vol. 28, No. 41, October 11, 2002, of the Florida Administrative Weekly.

The changes were made to allow correct identification of the forms referenced below.

Paragraph 64E-19.003(1)(a), F.A.C., has been changed so that when adopted it will read: "DH Form 4124, 11/02, Body Piercing Salon Inspection Report."

Paragraph 64E-19.003(1)(c), F.A.C., has been changed so that when adopted it will read: "DH Form 4121, 11/02, Body Piercing Salon Citation of Violation."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward J. Golding, Environmental Specialist III, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64E-23 Nursing Student Loan Forgiveness Program

RULE NOS.: RULE TITLES:

64E-23.001 Application

64E-23.003 Payment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Chapter 64E-23, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 28, No. 41 on October 11, 2002. The changes reflect comments received from the department and Joint Administrative Procedures Committee. The changes area as follows:

Subsection 64E-23.001(1), F.A.C., Replace "principal" with "principle."

Paragraphs 64E-23.003(1)(a),(b), F.A.C., Replace "principal" with "principle" throughout.

NURSING STUDENT LOAN FORGIVENESS PROGRAM APPLICATION PACKAGE – Page 3
PAYMENT: First paragraph, first sentence: Insert "Principle" after "Loan."

First paragraph, second sentence: Insert "Principle" after "Loan."

Replace "principal" with "principle" throughout.

Page 3, DESIGNATED/ELIGIBLE FULL-PAY SITES: Replace "Federally sponsored community/migrant health centers;" with "Federally qualified health centers (Community Health Centers, Tribal Health Clinics, Migrant Health Services and Health Centers for the Homeless);"

Page 3, ELIGIBLE MATCH SITE FACILITIES: Replace "principal" with "principle."

Page 7, ATTACHMENT 2, NURSING STUDENT LOAN FORGIVENESS PROGRAM LOAN PRINCIPAL CERTIFICATION, DH 1936, 06/02: Replace "principal" with "principle" throughout.

Page 8, Section II: Replace "principal" with "principle."

NURSING STUDENT LOAN FORGIVENESS PROGRAM LOAN PRINCIPAL REPAYMENT INVOICE, DH 1934 06/02: Replace "principal" with "principle" throughout.

Replace "NOTE: The Loan Repayment Invoice must be returned by: _____ ." with "NOTE: The Loan Principle Repayment Invoice must be returned by: _____." Add: "Approved _____"; and "Date _____".

P.O. B01880

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: RULE TITLES:

64F-19.001 Definitions

64F-19.002 Procedure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules which were published in the November 8, 2002, Vol. 28, No. 45, issue of the Florida Administrative Weekly, have been withdrawn.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 7, 2002, South Florida Water Management District (District) received a petition for waiver from Countryside Manors, LLLP, Application No. 02-1107-2, for utilization of Works or Lands of the District known as the C-1W Canal, Miami-Dade County, for a proposed linear park. The petition seeks relief from subsections 40E-6.011(4),(6) and (7), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review

for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which requires that a 40 foot wide strip of right of way, measured from the top of the bank landward, be unencumbered by permanent and/or semi-permanent above ground structures to enable the District to perform the required routine and emergency operations and maintenance activities necessary to insure flood protection to the entire community.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on November 7, 2002, by F. Leigh Phillips, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Nursing hereby gives notice that on September 30, 2002, it received a petition from Amy Freund, seeking a waiver from Rule 64B9-6.002, F.A.C., which addresses the biennial renewal of inactive status.

This matter will be addressed at the Practice Committee meeting during the regularly scheduled board meeting on December 11, 2002, 6:00 p.m., or shortly thereafter, at the Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Ft. Lauderdale, Florida 33309, (954)772-5400.

Comments on this petition should be filed with the Board of Nursing, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

A copy of the Petition for Declaratory Statement may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.