

PURPOSE AND EFFECT: The Florida Fish and Wildlife Conservation Commission has scheduled a meeting of the Listing Process Stakeholder Panel. This notice announces the date, time, and place of the meeting to which all interested persons are invited.

SUBJECT AREA TO BE ADDRESSED: To discuss possible changes for recommendation to the Commission to the process used to add, reclassify, and remove species to/from the lists of endangered, threatened, and species of special concern.

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

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

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

TIME AND DATE: 9:00 a.m. – 5:00 p.m., December 19, 2002

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, Second Floor Auditorium, 620 South Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Applicability	4-163.0015
Definitions	4-163.0017
Premium Rates	4-163.002
Cancellation and Refund Requirements	4-163.003
Filing Requirements	4-163.0045
Limits of Coverage; Credit Life	4-163.0055
Terms and Evidence of Insurance	4-163.0075
Provisions Required in Group Contracts	4-163.0076
Rights and Treatment of Debtors	4-163.008
Determination of Reasonableness of Benefits in Relation to Premium Charge	4-163.009
Credit Life Insurance Rates	4-163.010

Credit Disability Insurance Rates	4-163.011
Experience Reports	4-163.012
Effective Date	4-163.013

PURPOSE, EFFECT AND SUMMARY: The purpose is to update prima facie rates regarding credit life and credit disability insurance based on a current study of statewide experience as required by Section 627.67, Florida Statutes. The rule also adds definitions of certain types of new products, and details rate filing requirements

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 624.308(1), 627.678 FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1),(6), 627.553, 627.558(1), 627.569, 627.575, 627.676, 627.677, 627.678, 627.678(2), 627.6785, 627.6785(3), 627.681, 627.681(3), 627.682 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., December 30, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-163.0015 Applicability.

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

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

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

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

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

4-163.0017 Definitions.

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

(1) Accelerated Death Benefit. Benefit which is paid in advance of the death of the insured. The benefit may be adjusted to consider the time value of money. The requirements shall not be more than a life expectancy of less than 12 months. Definitions that are more or less restrictive shall cause an adjustment of the rate charged based on actuarial justification.

(2) Actual Net Debt. The amount necessary to liquidate the remaining debt in a single lump-sum payment, excluding all unearned interest and other unearned finance charges.

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

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

(5) Actuarially Equivalent. Producing equal actuarial present value, determined as of a given date with each value based on consistent actuarial assumptions.

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

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

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

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

(10) Prima Facie Rate. Maximum allowable rate, without experience or justification, pursuant to Section 627.6785(2), Florida Statutes, shall be those contained in Rules 4-163.010 and 4-163.011, F.A.C.

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

4-163.002 Premium Rates.

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

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

~~(1) In the case of Group Credit Life insurance or Group Credit Disability insurance, the amounts paid by the insured borrowers or purchasers for the insurance shall be consistent with the premiums set by the insurance company.~~

~~By consistent this Department understands a variation not exceeding two and one-half cents per hundred dollars of original indebtedness per year.~~

~~(2) In the case of Franchise Credit Life insurance, the premium paid by the insured borrower or purchaser for the insurance shall not exceed the premium rate filed by the insurance company with the Insurance Commissioner.~~

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

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

4-163.003 Cancellation and Refund Requirements.

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

(1) At the time the indebtedness is discharged, any remaining insurance coverage must be promptly terminated unless the insured requests in writing that the coverage be continued, if such continuance is provided for in the policy. Group Credit Life insurance and Group Credit Disability insurance if through prepayment, renewal or refinancing, the indebtedness is discharged prior to its scheduled maturity date, and the insurance coverage is thereby automatically terminated, the return of any unearned premium shall be paid promptly or credited to the person entitled thereto.

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

~~refinanced by the same creditor and no credit life insurance or credit disability insurance, as the case may be, is written in connection with the refinanced indebtedness.~~

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

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

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

~~(4)(5) The formula to be used in computing return premiums (or unearned premiums) shall be filed with and approved by the Insurance Commissioner. The minimum basis adopted by any company shall not be less than the Rule of 78 for declining balance only and the actuarial method, which allocates premium in proportion to the remaining insurance risk, for all other types of coverages, and its projections; however, if the refund or credit is less than \$1.00, no refund or credit is required.~~

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

4-163.0045 Filing Requirements.

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

riders delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto, shall be filed for approval in accordance with Sections 627.6785 and 627.682, Florida Statutes. Filings shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040 or submitted electronically to <https://portal.fldoi.com>. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

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

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

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

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

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

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

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

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

(g) Reserve bases.

(4) Each filing, except prima facie rates, shall be accompanied by the development and justification, including experience and credibility, of the proposed rate together with an opinion by an actuary certifying to the reasonableness of the rate, compliance with applicable laws and this rule chapter, and disclosure of the methods and assumptions used to develop compliance with this rule chapter. Credibility shall be determined according to the standard table in Appendix A.

(5) An actuarial memorandum shall not be required of filings:

(a) In which the insurer proposes to use the prima facie rates without any restrictions, exclusions, or exceptions other than those allowed by this rule chapter, except that a reserve statement signed by a qualified actuary (MAAA) shall be included in each filing.

(b) In which have no impact on rates or reserves and are so certified by the company.

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

4-163.0055 Limits of Coverage: Credit Life.

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

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

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

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

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

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

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

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

4-163.0075 Term and Evidence of Insurance.

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

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

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

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

4-163.0076 Provisions Required in Group Contracts.

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

(1) 627.559 – Grace period.

(2) 627.560 – Incontestability.

(3) 627.561 – Application: statements deemed representations.

(4) 627.562 – Insurability.

(5) 627.563 – Misstatement of age.

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

4-163.008 Rights and Treatment of Debtors.

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

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

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

(2) Voluntary prepayment of indebtedness.

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

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

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

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

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

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

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

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

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

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

(a) If a debtor is covered by a group or franchise credit insurance policy providing for the payment of single premiums to the insurer, ~~then~~ provision shall be made by the insurer that

~~if in the event of termination of the policy is terminated~~ for any reason, insurance coverage with respect to any debtor insured under ~~the such~~ policy shall be continued for the entire period for which the single premium has been paid.

(b) ~~1.~~ If a debtor is covered by a group or franchise credit insurance policy providing for the payment of premiums to the insurer on a monthly outstanding balance basis, ~~then~~ the policy shall provide that, ~~if the in the event of termination of such policy is terminated for any whatever~~ reason, termination notice ~~thereof~~ shall be given to the insured debtor at least 30 days prior to the effective date of termination, except where replacement of the coverage by the same or another insurer in the same or greater amount takes place without lapse of coverage.

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

(5) Refinancing the Debt.

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

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

2. The date the debt is discharged.

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

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

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

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

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

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

(1) General Standard. Section 627.682, Florida Statutes, requires that Under the Credit Insurance Law, benefits provided by credit insurance policies must be reasonable in

relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

(a) 55% for credit life insurance, and

(b) 50% for credit accident and health insurance.

~~(2) On the basis of relevant experience, Use of rates not greater than those contained in Rules 4-163.010 and 4-163.011, F.A.C. ("prima facie rates") shall be deemed currently reasonable~~ premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory showing to the Commissioner that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio. ~~Furthermore,~~

~~(3) If the extent to which an actual rate is greater than the prima facie rates, the actual rate that set forth may not exceed the prima facie rates plus the difference between;~~

(a) Claims which may be reasonably expected, and

(b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

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

~~(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.~~

~~(5) Nonstandard Coverage.~~ If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 4-163.010 and 4-163.011, F.A.C., the insurer shall demonstrate to the satisfaction of the Commissioner that the premium rates to be charged for such restricted coverage comply with subsection (1) above or are less than or equal to rates which are actuarially equivalent to consistent with the prima facie rates.

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

4-163.010 Credit Life Insurance Rates.

~~(1) Premium Rate.~~ Rates for decreasing gross coverage Credit life insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall

not be greater than as set forth in paragraphs (a) and (b) below. Paragraph (c) refers to premium rates for other types of coverage, either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) ~~If premiums are payable on a monthly outstanding balance basis, \$0.69 for single life coverage; \$1.21 for joint life coverage \$0.78 per month per \$1,000 of outstanding insured indebtedness if premiums are payable on a monthly outstanding balance basis.~~

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

Coverage Type
Single Premium Rate per \$100 Per Year of Initial Insured Indebtedness

Single Decreasing Life
~~\$0.44~~ ~~\$0.50~~

Joint Decreasing Life
~~\$0.77~~ ~~\$0.87~~

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

Coverage Type
Single Premium Rate per \$100 Per Year of Initial Insured Indebtedness

Single Level Life
~~\$0.82~~ ~~\$0.93~~

Joint Level Life
~~\$1.43~~ ~~\$1.62~~

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

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

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

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

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

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

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

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

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

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

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

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

TABLE I

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

*Maximum benefit is 60 monthly payments.

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.90	\$0.70	\$1.63	\$1.44	\$1.17
7-12	\$1.26	\$0.80	\$1.95	\$1.76	\$1.51
13-18	\$1.62	\$1.20	\$2.28	\$2.08	\$1.85
19-24	\$1.98	\$1.60	\$2.60	\$2.40	\$2.19
25-30	\$2.34	\$2.00	\$2.93	\$2.72	\$2.53
31-36	\$2.70	\$2.40	\$3.25	\$3.04	\$2.87
37-48	\$3.15	\$3.00	\$3.71	\$3.44	\$3.30
49-60	\$3.51	\$3.30	\$4.10	\$3.76	\$3.64
61-72	\$3.81	\$3.63	\$4.41	\$4.02	\$3.92
73-84	\$4.01	\$3.86	\$4.64	\$4.21	\$4.11
85-96	\$4.18	\$4.04	\$4.82	\$4.35	\$4.27
97-108	\$4.29	\$4.17	\$4.95	\$4.46	\$4.38
109-120	\$4.39	\$4.28	\$5.06	\$4.54	\$4.47

*Maximum benefit period is 60 months.

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

$$OP_n = 20 \times SP_n$$

$$n + 1$$

Where:

SP_n = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.

OP_n = Monthly Outstanding Balance Premium Rate per \$1,000.

n = Original repayment period, in months.

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

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

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

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit accident and health insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

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

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

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

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

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

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

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

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

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

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

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

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

4-163.012 Experience Reports.

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

4-163.013 Effective Date.

Premium rates in connection with the existing group franchise and individual policies of credit life and credit disability insurance shall conform to the requirements of this Rules Chapter 4-136.009, 4-136.010 and 4-136.011, F.A.C., not later than July 01, 2003 ~~October 1, 1982~~.

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

Appendix A

Average Number of Life Years

Credit Life	Credit Accident and Health Plans	Incurred			Credibility Factor
		Claim Count			
<u>Retroactive and Nonretroactive</u>					
Waiting Periods					
	7 Day	14 Day	30 Day		
1	1	1	1	1	.00
1,800	95	141	209	9	.25
2,400	126	188	279	12	.30
3,000	158	234	349	15	.35
3,600	189	281	419	18	.40
4,600	242	359	535	23	.45
5,600	295	438	651	28	.50
6,600	347	516	767	33	.55
7,600	400	594	884	38	.60
9,600	505	750	1,116	48	.65
11,600	611	906	1,349	58	.70
14,600	768	1,141	1,698	73	.75
17,600	926	1,375	2,047	88	.80
20,600	1,084	1,609	2,395	103	.85
25,600	1,347	2,000	2,977	128	.90
30,600	1,611	2,391	3,558	153	.95
40,000	2,106	3,125	4,651	200	1.00

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Bureau of Life and Health Forms and Rates,
Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rich Robleto, Bureau of Life &
Health Forms and Rates, Division of Insurer Services,
Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 25, 2002

DEPARTMENT OF INSURANCE

Division of Workers Compensation

RULE TITLES:

RULE NOS.:

Record Keeping Requirements for Business Owners 4L-6.015

Misclassification of Employees as Independent Contractors 4L-6.018

PURPOSE, EFFECT, AND SUMMARY: Rule 4L-6.015, F.A.C.: Section 440.107, Florida Statutes, requires employers to maintain true and accurate business records as the Division prescribes by rule. The purpose of this rule amendment is to place on employers specific record maintenance requirements to provide regulatory investigators with the documentation they will need to determine that every worker is covered under workers' compensation according to provisions of Sections 440.10(1) and 440.38(1), F.S. The rule amendment clarifies what types of records all employers must maintain and make available to the Division upon request.

4L-6.018: Section 440.10(1)(f), Florida Statutes, prescribes a penalty not to exceed \$5,000 where an employer misclassifies an employee as an independent contractor and willfully fails to secure the payment of workers' compensation. This rule implements the changes to that section enacted Chapter 2002, 236, Laws of Florida (CS/CS/SB 108), which delete the willfulness requirement and instruct the Division to adopt rules to administer the provision. The rule prescribes a penalty for an employer who misclassifies an employee an independent contractor. The penalty for the first violation is \$2500 and increases in a schedule up to \$5,000 for the fourth violation.

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: 440.10(1)(f), 440.107(2), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(f), 440.107(2), 440.591 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: 9:30 a.m., January 14, 2003

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Philip Wilcox, Investigations Manager, Bureau of Compliance, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)488-2333, ext. 173

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 FULL TEXT OF THE PROPOSED RULES IS:

4L-6.015 Record Keeping Requirements for Business Owners.

In order for the Division to determine that an employer is in compliance with the provisions of Chapter 440, F.S., every business entity conducting business within the state of Florida shall maintain for the immediately preceding three year period true and accurate records for that business for all periods of time from the present to a minimum of three years prior. Such business records shall include, but not be limited to, original documentation of the following, (or copies, when originals are not in the possession of or under the control of the business entity):

(1) All workers' compensation insurance Any and all policies of purchased by the business entity for workers' compensation insurance coverage, and any and all endorsements, notices of cancellation, nonrenewal, or reinstatement of such policies same;

(2) All Any and all records, including correspondence, pertaining to premium audits conducted by an insurer of such policies. In the event a business entity is unable or unwilling, upon request by the Division, to produce in a timely manner any of the above, and/or the business claims to not be required by Chapter 440, Florida Statutes, to carry workers' compensation insurance coverage, and/or the Division determines that the business entity is not in compliance with the provisions of Chapter 440, Florida Statutes, by failing to carry workers' compensation insurance coverage, then that business entity shall be required to produce to the Division the following records:

(3)(1) Time sheets, time cards, attendance records, earnings records, payroll summaries or other Rrecords indicating for every pay period a description of work performed and amount of pay or description of other remuneration paid or owed to each person by the business entity, such as time sheets, time cards, attendance records, earnings records, payroll summaries, payroll journals, ledgers or registers, daily logs or schedules, time and materials listings.

(4)(2) All Any and all contracts entered into with to which the business is or was a party for the services of a professional employer organization (PEO) or employee leasing company, temporary labor company, payroll or business record keeping company,; If such services are not pursuant to and in the event a written contract was not executed, written documentation including the name, business address, telephone number, and

FEIN or social security number of all principals if an FEIN is not held, of each such PEO, temporary labor company, payroll or business record keeping company; and

(a) For every contract with a PEO; – a payroll ledger for each pay period during the contract period identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed during each pay period by each worker, and the amount paid each pay period to each worker. A business entity may maintain such records or contract for their maintenance by the PEO to which the records pertain.

(b) For every contract for temporary labor; – work slips for each day temporary labor services were used identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed each pay period by each worker, and the amount paid each pay period to each worker and by the business entity to the temporary labor company. A business entity may maintain such records or contract for their maintenance by the temporary labor provider to which the records pertain.

(5)(3) All Any and all contracts to which the business was or is a party for services performed by an independent contractor, or in the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number if an FEIN is not held, of each independent contractor; and proof of workers' compensation insurance held by each independent contractor during the life of the contract for his/her services or records sufficient to prove that the independent contractor was not required pursuant to Chapter 440, Florida Statutes, to have workers' compensation insurance coverage during that time period;

(6)(4) All Any and all check ledgers and bank statements for checking, savings, credit union, or any other bank accounts established by the business entity or on its behalf; and

(7)(5) All Any and all federal income tax forms prepared by or on behalf of the business and all State of Florida, Division of Unemployment Compensation UCT-6 forms and any other forms or reports prepared by the business or on its behalf for filing with the Florida Division of Unemployment Compensation.

Specific Authority 440.107(2), 440.591 FS. Law Implemented 440.107 FS. History–New 2-2-00, Formerly 38F-6.015, Amended _____.

4L-6.018 Misclassification of Employees as Independent Contractors.

(1) An employer who fails to secure compensation as required by Sections 440.10(1) and 440.38(1), Florida Statutes, for each employee classified by the employer as an

independent contractor but who does not meet the criteria of an independent contractor specified in Section 440.02, Florida Statutes, shall be assessed a penalty in the following amount:

(a) \$2500 per misclassified employee for the first two misclassified employees per site; and

(b) \$5,000 per misclassified employee after the first two misclassified employees per site.

(2) The Division shall determine that an employer has misclassified an employee as an independent contractor if:

(a) The employer in any way reports that a worker who is an employee pursuant to Section 440.02(14), Florida Statutes, is an independent contractor;

(b) The employer maintains records identifying the worker as an independent contractor; or

(c) The employer holds out the employee as an independent contractor for federal tax purposes.

Specific Authority 440.10(1)(f), 440.591 FS. Law Implemented 440.10(1)(f) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Philip Wilcox, Bureau of Compliance, Division of Workers Compensation, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Pease, Chief of Compliance, Bureau of Compliance, Division of Workers Compensation, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids

RULE CHAPTER NO.: 20-13

RULE TITLE: Oranges: 2002-2003 Anhydrous Acid Maturity Standards

RULE NO.: 20-13.0011

PURPOSE AND EFFECT: Amendment would extend through the end of the 2002-2003 citrus season the lower minimum acid requirement for mature fresh oranges, which was adopted by emergency rule effective November 1, 2002.

SUMMARY: Extends lower minimum acid requirement for fresh oranges through the end of the 2002-2003 citrus season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

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: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 FS.

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

TIME AND DATE: 10:30 a.m., January 15, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.0011 Oranges: ~~2002-2003~~ ~~2001-2002~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning ~~November 1, 2002~~ ~~December 21, 2001~~ up to and including ~~July 31, 2003~~ ~~July 31, 2002~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) All other state laws applicable to the maturity of oranges shall remain in effect.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History—New 3-14-93, Amended 2-12-95, 1-17-96, 5-1-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Florida Citrus Growers" Certification Mark

RULE CHAPTER NO.: 20-109

RULE TITLE: Standards for Citrus Fruit and Citrus Products Bearing the Mark

RULE NO.: 20-109.005

PURPOSE AND EFFECT: Modifying standards for use of the "Florida Citrus Growers" symbol to allow products exceeding maximum ratio Grade A limitations to qualify.

SUMMARY: Modifying standards for use of the "Florida Citrus Growers" certification mark.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101, 601.9918, 601.15(2) FS.

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

TIME AND DATE: 10:30 a.m., January 15, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-109.005 Standards for Citrus Fruit and Citrus Products Bearing the Mark.

(1) Except as provided in subsection (2) and (3) and (5), products bearing the "Florida Citrus Growers" mark shall meet applicable grade and quality standards for citrus fruit and citrus products set forth by the laws of the State of Florida and rules of the Department of Citrus, and which meet the applicable Federal Standards of Identity for citrus products, if any, promulgated by the Secretary of Health and Human Services of the United States under the Federal Food, Drug and Cosmetic Act. Additionally, processed citrus products shall meet applicable United States Department of Agriculture standards for Grade A, if any have been established. Fresh fruit shall meet United States Department of Agriculture standards for U.S. Fancy, No. 1. Bright, U.S. No. 1, No. 1 Golden, Florida No. 1 Honey Tangerine, and Florida No. 1 Golden Honey Tangerine grades.

(5) For the period January 1, 2003, through December 31, 2003, maximum Grade A standards for brix/acid ratio shall not apply, however the ratio allowed shall not exceed USDA maximum Grade B standards for orange juice.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.9918, 601.15(2) FS. History--New 2-16-98, Amended 12-24-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

State Center for Health Statistics

RULE TITLE: Resident Data Reporting Requirements RULE NO.: 59E-4.003

PURPOSE AND EFFECT: To repeal rules that require submission of nursing home resident data reports to the agency.

SUMMARY: The proposed repeal of rules eliminates certain obsolete rules requiring the collection of nursing home resident data.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-4.003 Resident Data Reporting Requirements.

Specific Authority 408.15(8) FS. Law Implemented 408.061 FS. History--New 9-24-86, Formerly 27J-4.003, Amended 6-1-92, Formerly 10N-4.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth C. Dye, Bureau Chief, State Center for Health Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE TITLES: Definitions RULE NOS.: 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.

SUMMARY: The rules clarify the definition of interactive distance education provider, as well as, what evidence such a provider's application must include.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.003 Definitions.

When used in this rule, the following terms shall have the following meanings:

(1) through (3) No change.

(4) "Course Provider" means the person or legal entity who is registered pursuant to this rule chapter and who is responsible for conducting a course approved pursuant to this rule chapter, maintaining records of those in attendance for four ~~three~~ (3) years. The course provider is responsible for maintaining records.

(5) No change.

(6) "Homestudy Course" means a continuing education course approved pursuant to this rule chapter, that is offered as a correspondence course ~~or through the Internet~~ and requires a multiple-choice test at the end of the session with a minimum passing score of 75%.

(7) "Interactive Distance Education Course" means a continuing education course, the delivery of which is done via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, the teacher, and shall provide for registration, evaluation, monitoring, and verification of continuing education.

(8) "Interactive Distance Education Hour" means fifty minutes of approved instruction presented in an interactive distance education setting, exclusive of any breaks, recesses, or other time not spent in instruction.

Specific Authority 455.2123, 489.507(3) FS. Law Implemented 455.2123, 489.513(3), 489.517(3) FS. History--New 11-30-94, Amended 1-3-96, 6-13-96, 1-4-01, _____.

61G6-9.005 Registration of Course Providers.

(1) No change.

(2) The application for registration must be submitted on the ECLB Continuing Education Provider Approval Application, form number BPR/ECLB/CONT.ED.PROV.APP/REV/4/2001, with instructions, hereby incorporated by reference, copies of which are provided by the Board upon request and must include the name, address, phone number and facsimile number of the course provider. The registration must also include the name and address of each person or entity who has an ownership interest in the course sponsor or who is entitled to receive any portion of the revenues from the course sponsor. A course provider making an application to offer interactive distance education must submit evidence of the following:

(a) That the course contain high level of interactivity which promotes student involvement, and demonstrate that the program measures learning and assesses mastery of content at regular intervals.

(b) That the course provider will be able to monitor student enrollment, participation, and course completion.

(c) That the course provider can demonstrate that stated course hours are consistent with the actual hours it takes to complete the course.

(d) That the course provider has qualified instructor(s) available to answer questions and provide the students with the necessary assistance during the duration of the course.

(e) That the student shall be required to complete and submit a statement at the end of the course that he/she has personally completed each module of instruction.

(3) through (11) No change.

Specific Authority 455.2179, 455.225, 455.227, 489.507(3) FS. Law Implemented 455.2179, 489.517, 489.531, 489.533 FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99, 11-2-00, 9-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Criteria for Approval

RULE NO.: 64B13-5.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify criteria for approval of continuing education requirements.

SUMMARY: This rule sets forth criteria for approval of continuing professional education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 463.005(1) FS.

LAW IMPLEMENTED: 463.007(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.002 Criteria for Approval.

(1) No change.

(2) All non-transcript quality continuing education programs must be reviewed by the Board to ensure that the programs adequately and reliably contribute to the professional competency of the licensed practitioner and must meet the following requirements:

(a) through (b) No change.

(3) Notwithstanding the provisions of (1) and (2), of this rule, non-transcript quality, live format, continuing optometric education programs approved by the Council on Optometric Practitioner Education (COPE) are hereby approved by the board so long as COPE imposes requirements similar to or more stringent than those required by the board in this rule chapter. The board shall annually review COPE's criteria of continuing education.

(4)(3) No change.

(5)(4) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE: Cooperative Assistance Program RULE CHAPTER NO.: 66B-1

RULE TITLES: Definitions RULE NOS.: 66B-1.003

Application Process 66B-1.006

Project Eligibility 66B-1.008

Small-Scale Spoil Island Restoration

and Enhancement Projects 66B-1.014

PURPOSE AND EFFECT: The purpose of the proposed rule making is to provide guidance to the District and the program applicants in the administration of the District's Cooperative Assistance Program. The proposed rule amendment consists of clarifying certain sections the rule, in addition to some minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

SUMMARY: The proposed rule amendment consists of the addition of specific waterways essential to the Inland Waterway Navigation System to the definition of eligible waterways; revise the application process to clarify a complete application; set the criteria for project phasing; include additional language clarifying the property control requirement in relation to "historic-type" public properties; and add the small-scale spoil island restoration and enhancement program eligibilities to the rule.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

IF REQUESTED 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: 11:00 a.m., December 17, 2002

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

(1) through (21) No change.

(22) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County east of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal in Broward County, navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(23) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.003, Amended 5-17-98, 3-21-01, _____.

66B-1.006 Application Process.

(1) through (4) No change.

(5) Application Review: If the proposed project is a construction project within a single County, a pre-application meeting will be held with the local FIND Commissioner prior to formal submission of the application. If the proposed project is a regional project, a pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date, 7-30-02), hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-1.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-1, F.A.C.

(6) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, _____.

66B-1.008 Project Eligibility.

(1)(a) No change.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related

costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping.
- ~~2. Park and playground equipment.~~
- ~~3.~~ Restrooms for non-waterway users.
- ~~4. Tennis courts.~~
- ~~5.~~ Roadways providing access to non-waterway users.
- ~~6.~~ Parking areas for non-waterway users.
- ~~7.~~ Utilities for non-waterway related facilities.
- ~~8.~~ Lighting for non-waterway related facilities.
- ~~9. Irrigation equipment.~~
- ~~7.~~~~10.~~ Maintenance equipment.
- ~~8.~~~~11.~~ Picnic shelters and furniture.
- ~~9.~~~~12.~~ Vehicles to transport vessels.
- ~~10.~~~~13.~~ Operational items such as fuel, oil, etc.

(c) No change.

(d) Phasing of Projects ~~Phase I Projects~~: Applications for eligible waterway projects ~~that include construction elements below mean high water~~ will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements below mean high water ~~Phase II funding~~ will demonstrate that all required ~~the~~ environmental permitting ~~element of Phase I~~ will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element ~~of Phase I~~ of an application that has for a construction elements below mean high water project not be completed by the District's final TRIM hearing, the construction portion of the Phase II project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental

entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if (a) the property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940 or (b) the project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or (c) there is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, _____.

66B-1.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District’s waterways for recreational, navigational, educational, and environmental purposes. The provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02 Call for Proposals – Small Scale Spoil Island Restoration and Enhancement Program, effective date (), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant’s ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-1.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding.

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-1.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 07-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Waterways Assistance Program	66B-2
RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Application Process	66B-2.006
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule making is to provide guidance to the District and the program applicants in the administration of the District’s Waterways Assistance Program. The proposed rule amendment consists of clarifying certain sections the rule, in addition to some minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

SUMMARY: The proposed rule amendment consists of the addition of specific waterways essential to the Inland Waterway Navigation system to the definition of eligible waterways; revise the application process to clarify a complete application; set the criteria for project phasing; and include additional language clarifying the property control requirement in relation to "historic-type" public properties. The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

IF REQUESTED 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: 11:00 a.m., December 17, 2002

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

(1) through (24) No change.

(25) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County east of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal in Broward County, navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(26) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, _____.

66B-2.006 Application Process.

(1) through (4) No change.

(5) Application Review: If the proposed project is a construction project within a single County, a pre-application meeting will be held with the local FIND Commissioner prior

to formal submission of the application. If the proposed project is a regional project, a pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date, 7-30-02), hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(6) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-17-98, 3-21-01, _____.

66B-2.008 Project Eligibility.

(1)(a) No change.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping.

~~2. Park and playground equipment.~~

~~2.3. Restrooms for non-waterway users.~~

~~4. Tennis courts.~~

~~3.5. Roadways providing access to non-waterway users.~~

~~4.6. Parking areas for non-waterway users.~~

~~5.7. Utilities for non-waterway related facilities.~~

~~6.8. Lighting for non-waterway related facilities.~~

~~9. Irrigation equipment.~~

~~7.10. Maintenance equipment.~~

~~8.11. Picnic shelters and furniture.~~

~~9.12. Vehicles to transport vessels.~~

~~10.13. Operational items such as fuel, oil, etc.~~

(d) Phasing of Projects Phase I Projects: Applications for eligible waterway projects ~~that include construction elements below mean high water~~ will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements below mean high water Phase II funding will demonstrate that all required ~~the~~ environmental permitting ~~element of Phase I~~ will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element ~~of Phase I~~ of an application ~~that has for a construction elements below mean high water project~~ not be completed by the District's final TRIM hearing, the construction portion of the Phase II project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if (a) the property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940 or (b) the project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or (c) there is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-138.043	General Requirements
4-138.046	Statement of Actuarial Opinion Based on Asset Adequacy Analysis

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. 41, October 11, 2002, of the FAW. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

1. Rule 4-138.043 is changed to read as follows:

(1) Submission of Statement of Actuarial Opinion. ~~(a)1.~~ Included on or attached to Page 1 of the annual statement for each year, beginning with the year in which this part becomes effective, shall be the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with Rule 4-138.046, F.A.C of this part.

2. ~~Any company exempted pursuant to rule 4-138.044 of this part from submitting a statement of actuarial opinion in accordance with rule 4-138.046 of this part shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with rule 4-138.045 of this part.~~