

(4) Trap owners affected by a disaster pursuant to Chapter 370.143(4), Florida Statutes, will be allowed ten calendar days after notification to claim traps from a Commission authorized storage area. Unclaimed traps will be properly disabled and disposed of as trap debris.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68B-55.004 Retrieval of Derelict Traps.

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission. Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan also include notification of the Commission’s Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Examination Fees **RULE NO.:** 3D-30.028
PURPOSE, EFFECT AND SUMMARY: Rule 3D-30.028, F.A.C., sets the examination fee for examiners engaged in examinations of cemetery companies, pre-need sales certificate holders and agents, and guaranteeing organizations. It also sets forth compensation for travel time, per diem subsistence allowance, and report writing off premises. The rule is no

longer necessary because the Florida Legislature enacted Chapter 2000-195, Laws of Florida that amended sections 497.103, 497.245 and 497.431, Florida Statutes, to delete the requirement that the examinee pay the expenses of the examination. Travel expense and per diem subsistence allowance for out of state travel by state employees in connection with an examination is still included. Sections 497.213 and 497.407, Florida Statutes, were amended to increase the cemetery license and certificate of authority fees.

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: 497.103(1), 497.105(5) FS.

LAW IMPLEMENTED: 497.103(4), 497.213, 497.245, 497.407, 497.431 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: 9:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Chief, Bureau of Funeral and Cemetery Services, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-5790

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 RULE IS:

3D-30.028 Examination Fees.

Specific Authority 497.103(1), 497.105(5) FS. Law Implemented 497.431 FS. History–New 7-14-81, Formerly 3D-30.28, Amended 3-22-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana Evans, Chief, Bureau of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 28, 2003

DEPARTMENT OF INSURANCE

RULE TITLE: Guaranteed Availability of Individual Health Coverage to Eligible Individuals

RULE NO.: 4-154.112

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements and makes mandatory electronic filing of health insurance form filings.

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: 624.308, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 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: 9:00 a.m., May 14, 2003

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

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

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 RULE IS:

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1) through (2) No change.

(3)(a) To enable the Department to monitor this coverage, the issuer shall file, no later than March 1 of each year, Form D14-1386, (rev. 11/01), Individual Health Coverage Policy Forms Issued/Renewed in Florida, which is hereby adopted and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Tallahassee, FL 32399-0328, or submitted electronically through <https://iportal.fldoi.com>. Forms are also available and may be printed from the Department's website: www.doi.state.fl.us.

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing

will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(4) through (8) No change.

Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History--New 9-19-00, Amended 9-30-01, 2-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Standard and Basic Health Benefit Plans

RULE NO.: 4-154.525

PURPOSE, EFFECT, AND SUMMARY: To implement the standard and basic benefit plans to be used in the small group market as provided by s. 627.6699(12), F.S.

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: 624.308(1), 627.6699(16) FS.

LAW IMPLEMENTED: 624.307(1), 627.6699(12) FS.

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

TIME AND DATE: 10:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, phone (850)413-5014

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 RULE IS:

HEALTH INSURANCE POLICIES
PART VI SMALL GROUP HEALTH
INSURANCE POLICIES

4-154.525 Standard and Basic Health Benefit Plans.

(1) The standard and basic health benefit plans as designated herein are those plans referred to in Sections 627.6675(11), 627.6699(12) and 641.3922(10), F.S., and as approved effective April 1, 2003 by the Department of Financial Services. Such plans are available through the Department's web site: http://www.fldfs.com/companies/lh_fr/is_lhfr_FAC.htm.

(2) Each carrier shall file standard and basic health benefit plan forms and rates for approval, pursuant to Section 627.410, F.S. and Rule Chapter 4-149, F.A.C., for one or more of the following four categories prior to delivery or issuance for delivery in this state. Any carrier offering a small employer any health benefit plan in any one or more of the following categories must also offer the standard and basic plans for that category:

- (a) PPO;
- (b) Indemnity;
- (c) HMO – copay design; or
- (d) HMO – coinsurance design.

(3) The mandatory offer of the standard and basic plans as specified in Sections 627.6699(12)(b) and 627.6699(5)(c)3., F.S., shall comply with the following:

(a) The standard plan shall include the offering of both \$3,000/\$6,000 and \$5,000/\$10,000 out-of-pocket maximum expense limits. Notwithstanding the above, for the HMO coinsurance plan, the 20% allowance may be used in lieu of the indicated copay.

(b) The basic plan offering shall include the offering of at least two risk-sharing options.

1. One option shall be the \$2,500/\$7,500 deductible, \$7,500/\$15,000 out-of-pocket and 60%/40% allowance. Notwithstanding the above, for the HMO coinsurance plan, the 40% allowance may be used in lieu of the indicated copay.

2. The second offering shall be any other risk-sharing option provided by the approved plans referenced in (1) above.

(4) The plans offered to a small employer shall include at least two standard and two basic plans as identified in subsection (3) above for each category of coverage available in the small group market as identified in subsection (2) above. This results in a multiple offering of plans in each category of coverage. For example, this means that an HMO offering both copay and coinsurance health benefit plans must offer each of these designs in the standard and basic plan offering, resulting in the requirement to offer at least four standard and four basic plans. An insurer offering both PPO and indemnity health benefit plans must offer each of these designs in the standard and basic plan offering, resulting in the requirement to offer at least four standard and four basic plans.

(5)(a) A carrier may file standard and basic health benefit plans using the suggested language indicated in the approved plans referenced in (1) above.

1. Use of such suggested language shall result in an expedited filing process.

2. The carrier shall provide a certification by an officer of the company that the suggested language was used without modification, or if modified, the certification shall specify the modifications made by use of underline and strikethrough.

(b)1. In lieu of using the suggested language in the approved plans referenced in (1) above, a carrier may file a health benefit plan form using the same administrative language as used in its other health benefit plans that are available in the small group market. Any deviation from the approved plans referenced in (1) above shall be limited to administrative processes and may not alter sections relating to benefits, exclusions or glossary of terms.

(6) Existing coverage under the standard or basic benefit plans in effect before the effective date of these rules shall be guaranteed renewable at the option of the insured. Pursuant to Sections 627.6571(4) and 641.31074(4), F.S., a carrier may modify the existing health insurance coverage. Carriers that offer such modified coverage to existing insureds shall offer the insured the choice of at least all standard or basic plans required by Rule 4-154.525(4), F.A.C.

(7)(a) When carriers offer the standard plan to individuals electing group conversion pursuant to Sections 627.6675(11) and 641.3922(10), F.S., the carrier shall offer the plan required in paragraph (3)(a) above, which represents the closest coverage to the converttee's group coverage.

(b) The renewal of existing group conversion coverage is not subject to the provisions of Section 627.6571(4) or 641.31074(4), F.S. Such existing coverage is subject to the provisions of Section 627.6675(7)(b), F.S., which provides the basis of renewal and does not include provisions similar to Section 627.6571(4) or 641.31074(4), F.S. to modify existing coverage, therefore, existing group conversion coverage may not be modified as indicated in subsection 4-154.525(7), F.A.C., for small group coverage.

Specific Authority 624.308(1), 627.6699(16) FS. Law Implemented 624.307(1), 627.6699(12) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Frank Dino, Bureau of Life and Health Forms and Rates,
 Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life
 and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Filing Requirements
RULE NO.: 4-163.0045

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements and makes mandatory electronic filing of credit life and credit disability insurance form filings.

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: 624.308(1), 627.678, 627.410 FS.

LAW IMPLEMENTED: 624.307(1), 624.410, 627.6785, 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: 9:00 a.m., May 14, 2003

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

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

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 RULE IS:

4-163.0045 Filing Requirements.

(1)(a)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.

2. Filings shall be mailed to: Bureau of Life and Health Forms & Rates, Office of Insurance Regulation Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040 or submitted electronically to <https://iportal.fldfs.com> ~~<https://iportal.fldei.com>~~. All filings sent to the Office Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(2) through (5) No change.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.682, 627.6785 FS. History--New 2-11-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Curriculum Standards for Special Designations
RULE NO.: 4-211.320

PURPOSE, EFFECT AND SUMMARY: To designate what material should be included in the course work for the Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designations.

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: 626.221 FS.

LAW IMPLEMENTED: 626.221 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: 9:00 a.m., Tuesday, May 13, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Odom, Bureau of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-3134

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 RULE IS:

4-211.320 Curriculum Standards for Special Designation. Pursuant to Section 626.221(1), Florida Statutes, the Department of Insurance establishes the following curriculum standards:

(1) For designation as a Certified Customer Service Representative (CCSR), Professional Customer Service Representative (PCSR) or Registered Customer Service Representative (RCSR), the requirement is at least 40 course hours:

(a) through (b) No change.

(2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Bureau Chief, Licensing, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Employment of School Bus Drivers

RULE NO.: 6A-3.0141

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise Form 476, Physical Examination for School Bus Driver and Medical Examiners Certificate, to provide more flexibility in space allowed for physicians to make notes to explanations of possible conditions of school bus drivers during required annual physical examinations, and to conform with revised federal requirements under Title 49 CFR, Part 391, adopted by reference in Section 1012.45, Florida Statutes. The effect is an updated form to better meet the intended need and which complies with federal requirements.

SUMMARY: This rule is amended to update the current public school bus operator physical examination form.

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 the notice.

SPECIFIC AUTHORITY: 1001.02(1), 1006.22, 1012.45 FS.

LAW IMPLEMENTED: 112.044(3), 1012.32(2)(a), 1006.22, 1012.45 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ronnie H. McCallister, Director, Operations Audits and Safety, School Transportation Management, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0141 Employment of School Bus Drivers.

(1) School bus drivers are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, 234.051, Florida Statutes.

(2) No change.

(3) Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate is hereby incorporated by reference and made a part of this rule to become effective June 2003 ~~November 1994~~. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, ~~Division of Planning, Budgeting, and Management~~, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority ~~229.053(1), 234.02, 234.091, 234.101, 316.615(3), 1001.02(1), 1006.22, 1012.45~~ FS. Law Implemented 112.044(3), ~~231.02(2)(a), 234.02, 234.091, 234.101, 322.03(1), 322.03(3), 1012.32(2)(a), 1006.22, 1012.45~~ FS. History—New 8-1-86, Amended 7-5-89, 11-15-94, 4-19-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Morris, School Support Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne V. Pierson, Chief Financial Officer, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2003

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification in
Physical Education (Grades K-8) and Physical
Education (Grades 6-12) – Academic Class 6A-4.028

RULE NO.: 6A-4.028

PURPOSE AND EFFECT: The purpose is to repeal the certification rule for Physical Education (Grades K-8 and 6-12) that is superceded by the new Physical Education (Grades K-12) certification area effective July 1, 2003 as adopted in Rule 6A-4.0283, F.A.C.

SUMMARY: The current model for certification in physical education is replaced by a new comprehensive, grades K-12, physical education certification area effective July 1, 2003.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(3) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.028 Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 4-8-68, 7-7-68, Revised 8-17-74, Repromulgated 12-5-74, Amended 11-5-84, Formerly 6A-4.28, Amended 12-4-89, 7-17-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification
in Science (Grades 6-12) – Academic Class 6A-4.0323

RULE NO.: 6A-4.0323

PURPOSE AND EFFECT: The purpose is to repeal a certification rule for a new general science certification area prior to the effective date for implementation. The effect is that a new general science certification area will not be offered.

SUMMARY: A new certification subject area in general science was approved by the State Board of Education to be effective July 1, 2003. Leadership of the agency has since determined that the current system of offering certification in the four separate areas of science: physics, biology, chemistry, and earth-space science would be retained, and that an additional science area requiring the development of a subject area test would not be needed.

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 the notice.

SPECIFIC AUTHORITY: 229.053, 231.15(1), 231.17(6) FS.

LAW IMPLEMENTED: 229.053, 231.145, 231.15(1), 231.17(6) FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0323 Specialization Requirements for Certification in Science (Grades 6-12) – Academic Class.

Specific Authority 229.053, 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class
RULE NO.: 6A-4.0332

PURPOSE AND EFFECT: The purpose is to repeal the current Social Science certification rule that is superceded a new streamlined Social Science (Grades 6-12) rule effective July 1, 2003.

SUMMARY: The current model of social science certification is replaced by a new comprehensive social science certification effective July 1, 2003. The new social science certification allows various social science majors, such as history, political science, etc. eligibility for the general Social Science (Grades 6-12) certification.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(3) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17, 232.246(1)(b), 233.061, 233.0651, 233.064 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0332 Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 232.246(1)(b), 233.061, 233.0651, 233.064 FS. History--New 7-1-90, Amended 7-17-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Student Activities
RULE NO.: 6A-14.057

PURPOSE AND EFFECT: The purpose is to require each board of trustees to adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. The effect is the development of procedures by trustees for student participation in the budget development process for expenditures funded from the student activity and service fee. The procedures will enable students to have a comprehensive knowledge of revenues available for the budget. These changes will provide a more meaningful participation in the budget development of these fee revenues.

SUMMARY: The amendment to the rule requires each board of trustees to adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee.

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: 1001.02(9), 1009.23(7), 1010.02 FS.

LAW IMPLEMENTED: 1001.64, 1009.23(7), 1010.02 FS.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., May 20, 2003
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: J. David Armstrong Jr., Chancellor, Division of Community Colleges, 325 West Gaines Street, Room 1314, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.057 Student Activities.
(1) Expenditures from student activity and service fees shall be according to a budget prepared jointly by students and college staff and approved by the president. Each board of trustees shall adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. Such procedures shall require the budget to be based upon an estimate of total funds generated from this fee as well as an estimate of funds carried forward from the prior year. All lawful expenditures which benefit the student body in general may be funded from the

student activity and service fee fund if such expenditures are included in the approved budget for this fee. Sponsors shall be appointed for student activities so financed.

(2) Student organizations not so financed may be permitted on campus with faculty or staff advisors and under rules of the board of trustees. A college as a service to the organizations, or if necessary for the protection of student members, may provide that organization funds be placed with the college business office to be held in a custodial account and to be withdrawn and expended upon requisition according to the organization's approved budget.

Specific Authority 1001.02(9), 1009.23(7), 1010.02 229.053(1), 240.325 FS. Law Implemented 1001.64, 1009.23(7), 1010.02 240.319, 240.325(5); 240.35(5), 240.363 FS. History—Formerly 6A-8.19, Repromulgated 12-19-74, Amended 12-26-77, 4-17-85, Formerly 6A-14.57, Amended 12-18-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward L. Cisek, Vice Chancellor for Financial Policy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Chancellor of Community Colleges
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula
 RULE NO.: 19-8.028
 PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2003-2004 contract year.
 SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates 2003-2004 contract year.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.
 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: 215.555(3) FS.
 LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) FS.
 REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m. to Noon, Eastern Standard Time, Tuesday, May 20, 2003
 PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) Purpose. The purpose of this rule is to adopt the Premium Formula to determine the Actuarially Indicated Reimbursement Premium to be paid to the Florida Hurricane Catastrophe Fund (FHCF or Fund), as required by Section 215.555(5)(b), Florida Statutes.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Actuarially Indicated Premium- means This term refers to Premiums which are derived according to or consistent with accepted actuarial standards of practice. Actuarially Indicated means an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the Fund, and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.

(b) Board or SBA means the Florida State Board of Administration Independent Consultant. This term means the independent individual, firm, or organization with which the SBA contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(c) Citizens Property Insurance Corporation (Citizens) means the entity formed under Section 627.351, Florida Statutes, and refers to both Citizens Property Insurance Corporation High Risk Account (formerly the Florida Windstorm Underwriting Association) and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts (formerly the Florida Residential Property and Casualty Joint Underwriting Association. Excess Insurance- This term means insurance protection for large commercial property risks that provide a layer of coverage above a primary layer that acts much the same as a very large deductible. The primary layer is insured through another policy. The excess policy does not reimburse losses unless the losses exceed the primary layer. Several excess policies may be used to cover high value properties, each with different but coordinating primary layers.

~~(d) Contract Year means the time period which begins June 1 of each calendar year and ends May 31 of the following calendar year. Formula or the Premium Formula. This term means the formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.~~

~~(e) Covered Policy is defined in Section 215.555(2)(c), Florida Statutes, and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C. New Companies. The term means all Companies which write Covered Policies and which are granted a certificate of authority by the Department of Insurance after the beginning of the FHCF's Contract Year on June 1; or which already have a certificate of authority but begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year. A Company is writing new business if it writes Covered Policies after the beginning of the FHCF's Contract Year on June 1 and did not do so prior to the beginning of the Contract Year, or if it removes exposure from the Florida Residential Property and Casualty Joint Underwriting Association "RPCJUA" or the Florida Windstorm Underwriting Association "FWUA" pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1.~~

~~(f) Data Call means the annual reporting of insured values forms. These forms, incorporated into and adopted by Rule 19-8.029, F.A.C., are the FHCF-D1A for Contract Years after the 2002/2003 year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior years. Premium. This term means the same as Reimbursement Premium, which is the premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the Statute, by the rate as derived from the Premium Formula.~~

~~(g) Excess Insurance is defined in the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C. Section I as described in the Data Call. This term means policies other than Excess Insurance policies, as defined herein.~~

~~(h) Formula or the Premium Formula means the Formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed. Section II as described in the Data Call. This term means Excess Insurance policies as defined herein.~~

~~(i) FHCF or Fund means the Florida Hurricane Catastrophe Fund.~~

~~(j) Independent Consultant or Consultant means the independent individual, firm, or organization with which the SBA contracts to prepare the Premium Formula and any other actuarial services for the FHCF, as determined under the contract with the Consultant.~~

~~(k) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a Contract on June 1 of the Contract Year. A Company that pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.~~

~~(l) Premium means the same as Reimbursement Premium, which is the Premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the Statute, by the rate as derived from the Premium Formula.~~

~~(m) Section I as described in the Data Call.~~

~~(n) Section II as described in the Data Call.~~

~~(3) The Premium Formula.~~

~~(a) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, Florida Statutes, the Premium Formula is adopted in this subsection and special circumstances are addressed in subsection (4), below. The Formula for determining the Actuarially Indicated Premium to be paid to the Fund, as required by Section 215.555(5)(b), Florida Statutes, is the rate times the exposure per \$1,000 of insured value and this equals the Premium to be paid in dollars. The rates adopted below were determined by taking into account four factors: geographic location by zip code; construction type; policy deductible; and type of insurance. The Formula is developed by an Independent Consultant selected by the Board, as required by Section 215.555(5)(b), Florida Statutes.~~

~~(b) For the 1999-2000 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999," both of which are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 11, 1999 5/11/99, are hereby adopted and incorporated by reference in Form FHCF-Rates1999, "Florida Hurricane Catastrophe Fund/1999-2000 Rates," rev. 8/99.~~

(c) For the 2000-2001 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2000 Ratemaking Formula Report to the Florida State Board of Administration, March 2, 2000," and the addendum thereto, "Florida Hurricane Catastrophe Fund: Addendum to the March 2, 2000 Ratemaking Report, April 6, 2000," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 25, 2000 ~~4/25/00~~, are hereby adopted and incorporated by reference in Form FHCF-Rates 2000, "Florida Hurricane Catastrophe Fund/2000-2001 Rates," rev. 5/00.

(d) For the 2001-2002 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2001 Ratemaking Formula Report to the Florida State Board of Administration, March 15, 2001, as revised May 4, 2001" and the "Addendum to the March 15, 2001 Ratemaking Report," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 30, 2001 ~~5/30/01~~, are hereby adopted and incorporated by reference in Form FHCF-Rates 2001, "Florida Hurricane Catastrophe Fund/2001-2002 Rates," rev. 5/01.

(e) For the 2002-2003 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2002 Ratemaking Formula Report to the Florida State Board of Administration, March 28, 2002" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 9, 2002, are hereby adopted and incorporated by reference in Form FHCF-Rates 2002, "Florida Hurricane Catastrophe Fund Proposed 2002 Rates, March 28, 2002."

(f) For the 2003-2004 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2003 Ratemaking Formula Report to the Florida State Board of Administration, March 18, 2003 (Revised)" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 8, 2003, are hereby adopted and incorporated by reference in Form FHCF-Rates 2003, "Florida Hurricane Catastrophe Fund Proposed 2003 Rates, March 18, 2003."

(4)(a) Special Circumstances.

1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the

percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

2. Section II Exposure. The Premium Formula for Section II exposure will be based on the use of computer modeling for each individual Company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. ~~Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is generally not practical to develop separate rates for all the potential combinations of per policy excess exposures.~~ Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. ~~The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the FHCF rates, the Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This~~ The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. The calculated thresholds will be included in the Data Call, as adopted and incorporated by reference in Rule 19-8.029, F.A.C. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section II ¶ using Section II ¶ reporting specifications.

(b) Forfeiture or Surrender of Certificates of Authority.

1. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the Contract Year shall have their Premiums determined in accordance with subsection (3), above. Special recognition is not given to insurers which do not have exposure for Covered Policies for an entire Contract Year, except for New Participants Companies as described in paragraph (c) of this subsection (4).

2. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Financial Services Insurance effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

(c) New Participants.

1. All New Participants shall enter into a Reimbursement Contract with the Fund. For purposes of this rule, the term "new companies" refers to:

~~a. All companies which write covered policies, as that term is defined in Section 215.555(2)(e), Florida Statutes, and~~
~~b. Which are granted a certificate of authority by the Department of Insurance on or after the beginning of the Fund's contract year on June 1; or which already have a certificate of authority but begin writing covered policies on or after the beginning of the Fund's contract year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year.~~

2. All New Participants shall pay a Reimbursement Premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the Reimbursement Contract adopted in Rule 19-8.010, F.A.C. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure from the RPCJUA or the FWUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

3. This subparagraph applies to Companies writing new business after June 1 but prior to December 1 of the Contract Year. All new companies shall enter into a reimbursement contract with the Fund.

a. All New Participants writing new business during the period specified above shall pay a provisional Premium of \$1,000 to provide consideration for the contract.

b. On or before March 1 of the Contract Year, the Company shall report its actual exposure as of December 31 of the Contract Year to the Administrator on Form FHCF-D1A, "Florida Hurricane Catastrophe Fund Data Call" which is hereby adopted and incorporated by reference in Rule 19-8.029, F.A.C., and is available from the Administrator as described in subsection (5), below. The Administrator shall calculate the Company's actual Reimbursement Premium for the period specified in subparagraph c.2. based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the Company's exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than May 1 of the Contract Year. The Company's retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company's 12/31 exposure and divided in half as described in this sub-subparagraph.

4. This subparagraph applies to Companies writing new business on or after December 1 but up to and including May 31. All New Participants writing new business during this period shall pay a Premium of \$1,000 to provide consideration for the Contract. The Company shall pay no other Premium for the remainder of the Contract Year. The Company shall not report its exposure data for this period to the Board. The Premium shall be paid upon signing the Reimbursement Contract. All new companies shall pay a reimbursement premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the reimbursement contract adopted in Rule 19-8.010, F.A.C.

5. For purposes of this sub-subparagraph (4)(c), the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late. This subparagraph applies to companies writing new business after June 1 but prior to December 1 of the contract year.

~~a. All new companies writing new business during the period specified above shall pay a provisional premium of \$1,000 to provide consideration for the contract.~~

~~b. On or before March 1 of the contract year, the company shall report its actual exposure as of December 31 of the contract year to the Administrator on Forms FHCF-D1B, "Florida Hurricane Catastrophe Fund Data Call" and in accordance with the FHCF computer validation software provided on diskette, which are hereby adopted and incorporated by reference in Rule 19-8.029, F.A.C., and are available from the Administrator as described in subsection (5), below. The Administrator shall calculate the company's actual reimbursement premium for the period specified in subparagraph c.2. based on its actual exposure. To recognize that new companies have limited exposure during this period, the actual premium as determined by processing the company's exposure data shall then be divided in half, the provisional premium shall be credited, and the resulting amount shall be the total premium due for the company for the remainder of the contract year. However, if that amount is less than \$1,000.00, then the insurer shall pay \$1,000.00. The premium payment is due no later than May 1 of the contract year. The company's retention and coverage will be~~

determined based on the total premium due which is the premium calculated based on the company's 12/31 exposure and divided in half as described in this sub-subparagraph.

6. This subparagraph applies to companies writing new business on or after December 1 but up to and including May 31. All new companies writing new business during this period shall pay a premium of \$1,000 to provide consideration for the contract. The company shall pay no other premium for the remainder of the contract year. The company shall not report its exposure data for this period to the Board. The premium shall be paid upon signing the reimbursement contract.

7. For purposes of this subparagraph, the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, and if the due date's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs 1.a. through 7.g., immediately below. For purposes of the exemption in this paragraph, a "Specialized Fine Arts Risk" is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum Premium of \$500-00; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Fine Arts Risks being insured.

1. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.

2. The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

3. Insurable values must be sufficient to produce a Premium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000 and the minimum Premium amount must be no less than \$500-00.

4. The structural design of the residence and the degree of protection, together with efficient specialized inspection and loss protection service, must have the effect of reducing the relative importance of such otherwise applicable rating factors as exposure and quality of public fire protection.

5. The structure in which the fine arts being insured are housed must be fire-resistive or incombustible, made of heavy timber or other approved construction, and in good state of preservation and repair.

6. The structure and its fine arts contents must be provided with satisfactory watchman or alarm service or its equivalent where necessary.

7. The insurer must maintain a force of trained and competent loss prevention specialists, who perform the following tasks:

a. Make complete loss prevention surveys of each Specialized Fine Arts Risk;

b. Make available specialized loss prevention service for the purpose of providing consultation regarding hazards to the fine arts being insured;

c. Confirm through periodic and unannounced inspections that loss prevention devices are properly maintained;

d. Investigate reported losses; and

e. Confer with the policyholder and confirm through periodic and unannounced inspections that recommended safety and loss control improvements are actually made.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 13, 2002, Vol. 28, No. 50

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Processing Applications for Citrus Fruit Dealers Licenses
RULE CHAPTER NO.: 20-108
RULE TITLE: General Provisions
RULE NO.: 20-108.001

PURPOSE AND EFFECT: Amendment requiring all citrus fruit dealers to file all applications and supporting documentation with the Department of Citrus by June 15 of each year.

SUMMARY: Setting a date certain requirement for filing of citrus fruit dealer applications and supporting documentation.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.56 FS.

LAW IMPLEMENTED: 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS.

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

TIME AND DATE: 10:30 a.m., May 28, 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:

20-108.001 General Provisions.

(1) All citrus fruit dealer license application forms must be properly completed and timely filed by the applicant by June 15 of each year. Each properly completed application shall be carefully reviewed and appropriate investigation made by the staff as hereinafter provided and any errors or omissions noticed to the applicant in accordance with the provisions of the Administrative Procedures Act, Section 120.60, F.S.

(2) If the staff is unable to complete processing of an application because the applicant has failed to properly or fully complete the application, or has failed to meet all applicable requirements of the law and rules, and staff has timely notified the applicant of such deficiencies, the application shall be placed in the inactive file and reported to the Department of Agriculture and Consumer Services, Bond and License Section, for appropriate action. The applicant shall be notified of such action.

Specific Authority 601.10(1),(7), 601.56 FS. Law Implemented 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History-Revised 12-18-74, Amended 12-31-74, Formerly 105-2.02(1), Formerly 20-108.01, Amended 4-23-95,_____.

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: February 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030163-GU

RULE TITLE: Code of Conduct
RULE NO.: 25-7.072

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to ensure that no natural gas utility or marketing affiliate gain an unfair competitive advantage over non-affiliated competitors.

SUMMARY: Subparagraph 25-7.072(2)(c)1.-5., F.A.C., is being deleted and part of that subparagraph is being added to paragraph 25-7.072(2)(a), F.A.C. Subparagraph 25-7.072(2)(c)1.-5., F.A.C., currently requires that a regulated gas utility not share, with a marketing affiliate, "employees having direct responsibility over the day-to-day operations of the gas utility's transportation operations". A non-exclusive list identifies five specific areas of operation (numbered 1 through 5 in the rule) in which employees may not be shared. Paragraph 25-7.072(2)(a), F.A.C., provides that a gas utility will not "give its Marketing Affiliate, or its Marketing Affiliate's customers, preference over non-affiliated marketers or their customers in matters relating to gas transportation or curtailment priority specifically including the manner and timing of the processing of requests for transportation service". The effect of this change is that a gas utility will no longer be directed on how to handle its employees involved in day-to-day transportation operations. Instead the rule will delineate areas in which preference cannot be shown to marketing affiliates. It will be up to each utility to decide how to ensure it avoids giving preference to its marketing affiliate. The new provision will be paragraph 25-7.072(2)(d), F.A.C., and requires that a gas utility "[w]ill prevent the flow of any type of subsidy from the utility to the Marketing Affiliate." This provides another mechanism for ensuring that gas utilities and their market affiliates maintain a degree of independence from each other. Here again, it is up to the gas utility to decide how best to ensure this does not happen.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement was not prepared.

Any person who wishes to provide information regarding a 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: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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 IS: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.072 Code of Conduct.

(1) Definition. Marketing Affiliate means ~~an~~ business entity, unregulated by the Commission, ~~business entity~~ that is a subsidiary of a gas utility or is owned by or subject to control by the gas utility's parent company, and sells gas at the retail level to a transportation customer on the gas utility's system.

(2) Application of Tariff Provisions. A gas utility will apply tariff provisions relating to gas transportation service in the same manner to similarly situated marketers, brokers, or agents, whether or not they are affiliated with the gas utility. In addition, each a gas utility:

(a) Will not, through a tariff provision or otherwise, give its Marketing Affiliate or its Marketing Affiliate's customers, preference over non-affiliated marketers or their customers in matters relating to: ~~gas transportation or curtailment priority, specifically including the manner and timing of the processing of requests for transportation service;~~

1. Receiving and processing transportation service requests or tariff sales requests from customers (customer service inquiry employees);

2. Scheduling gas deliveries on the gas utility's system;

3. Making gas scheduling or allocation decisions;

4. Purchasing gas or capacity; or

5. Selling gas to end users behind the city gate.

(b) 1. through 2. No change;

~~(c) Will not share with its Marketing Affiliate any of its employees having direct responsibility for the day to day operations of a gas utility's transportation operations, including employees involved in:~~

~~1. Receiving transportation service requests or tariff sales requests from customers (customer service inquiry employees);~~

~~2. Scheduling gas deliveries on the gas utility's system;~~

~~3. Making gas scheduling or allocation decisions;~~

~~4. Purchasing gas or capacity; or~~

~~5. Selling gas to end users behind the city gate, and such employees will be physically separated from the gas utility's Marketing Affiliate.~~

~~(c)(d) Will charge the Marketing Affiliate the fully allocated costs for any general and administrative and support services provided to Marketing Affiliate.~~

~~(d) Will prevent the flow of any type of subsidy from the utility to the Marketing Affiliate;~~

~~(e) through (h) No change.~~

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History--New 7-23-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Makin

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 51, December 20, 2002

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3

RULE TITLE: Rules and Publications Incorporated
RULE NO.: 40D-3.037
by Reference

PURPOSE AND EFFECT: The purpose of the amendment is to adopt updated versions of the Florida Department of Environmental Protection's (DEP) Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002), the Florida Unified Citations Dictionary for Water Well Construction (October 2002), and Chapter 62-531, F.A.C., the DEP rule chapter that pertains to the licensing requirements for water well contractors.

SUMMARY: The rule incorporates by reference the current version of Florida Department of Environmental Protection's Water Well Contractor Disciplinary Guidelines and Procedures

Manual (October 2002), the Florida Unified Citations Dictionary for Water Well Construction (October 2002), and Chapter 62-531, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.037, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.309 FS. LAW IMPLEMENTED: 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 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 IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C., the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C., the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C., and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C., are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) The Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History--New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency proposes to amend paragraphs (1)(f)and (g) of Rule 59C-1.008, F.A.C., adding a new Schedule 12 required as part of the application for a certificate of need, and updating the batching cycle calendar used to establish deadlines for comparative reviews, as required by s. 408.039(1), F.S. New Schedule 12 provides information necessary to implement s. 408.831, F.S., which describes certain circumstances where the agency may deny a certificate of need to any applicant who has outstanding fines assessed by the agency or by the Centers for Medicare and Medicaid Services. The updated batching cycle calendar adds deadlines for calendar years 2004 and 2005, with no modification to the current calendar for 2003.

SUMMARY: The amendments specify additional information required in a certificate of need application, and also provide an updated batching cycle calendar for comparative reviews.

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: 408.034(6), 408.15(8) FS. LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039 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: 2:00 p.m., May 13, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

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

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, and 11-Trn, and 12, which are incorporated by reference herein. A copy of Form CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration
 Certificate of Need
 2727 Mahan Drive, ~~Building 1 Mail Stop 28 Building 3~~
 Tallahassee, FL 32308

An electronic version of Form CON-1 and the Schedules is also available at www.fdhc.state.fl.us.

1. The application must be actually received by the agency by 5 p.m. local time on or before the application due date. The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

<u>Hospitals and Other Projects</u>	
<u>2nd Batching Cycle—2001</u>	
Summary Need Projections Published in F.A.W.	7-27-01
Letter of Intent Deadline	8-13-01
Application Deadline	9-12-01
Completeness Review Deadline	9-19-01
Application Omissions Deadline	10-17-01
Agency Initial Decision Deadline	12-14-01

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle—2002</u>	
Summary Need Projections Published in F.A.W.	1-25-02
Letter of Intent Deadline	2-11-02
Application Deadline	3-13-02
Completeness Review Deadline	3-20-02
Application Omissions Deadline	4-17-02
Agency Initial Decision Deadline	6-14-02

<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle—2002</u>	
Summary Need Projections Published in F.A.W.	7-26-02
Letter of Intent Deadline	8-12-02
Application Deadline	9-11-02
Completeness Review Deadline	9-18-02
Application Omissions Deadline	10-16-02
Agency Initial Decision Deadline	12-13-02

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2003</u>	
Summary Need Projections Published in F.A.W.	1-24-03
Letter of Intent Deadline	2-10-03
Application Deadline	3-12-03
Completeness Review Deadline	3-19-03
Application Omissions Deadline	4-16-03
Agency Initial Decision Deadline	6-13-03

<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2003</u>	
Summary Need Projections Published in F.A.W.	7-25-03
Letter of Intent Deadline	8-11-03
Application Deadline	9-10-03
Completeness Review Deadline	9-17-03
Application Omissions Deadline	10-15-03
Agency Initial Decision Deadline	12-12-03

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2004</u>	
Summary Need Projections Published in F.A.W.	1-23-04
Letter of Intent Deadline	2-09-04
Application Deadline	3-10-04
Completeness Review Deadline	3-17-04
Application Omissions Deadline	4-14-04
Agency Initial Decision Deadline	6-11-04

<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2004</u>	
Summary Need Projections Published in F.A.W.	7-23-04
Letter of Intent Deadline	8-09-04
Application Deadline	9-08-04
Completeness Review Deadline	9-15-04
Application Omissions Deadline	10-13-04
Agency Initial Decision Deadline	12-10-04

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2005</u>	
Summary Need Projections Published in F.A.W.	1-28-05
Letter of Intent Deadline	2-14-05
Application Deadline	3-16-05
Completeness Review Deadline	3-23-05
Application Omissions Deadline	4-20-05
Agency Initial Decision Deadline	6-17-05

Hospital Beds and Facilities
2nd Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>7-29-05</u>
<u>Letter of Intent Deadline</u>	<u>8-15-05</u>
<u>Application Deadline</u>	<u>9-14-05</u>
<u>Completeness Review Deadline</u>	<u>9-21-05</u>
<u>Application Omissions Deadline</u>	<u>10-19-05</u>
<u>Agency Initial Decision Deadline</u>	<u>12-16-05</u>

Nursing Facilities
2nd Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-12-04</u>
<u>Letter of Intent Deadline</u>	<u>10-29-04</u>
<u>Application Deadline</u>	<u>11-28-04</u>
<u>Completeness Review Deadline</u>	<u>12-05-04</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-05</u>
<u>Agency Initial Decision Deadline</u>	<u>3-01-05</u>

Other Beds and Programs
1st Batching Cycle – 2002

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-12-02</u>
<u>Letter of Intent Deadline</u>	<u>4-29-02</u>
<u>Application Deadline</u>	<u>5-29-02</u>
<u>Completeness Review Deadline</u>	<u>6-05-02</u>
<u>Applicant Omissions Deadline</u>	<u>7-03-02</u>
<u>Agency Initial Decision Deadline</u>	<u>8-30-02</u>

Other Beds and Programs
2nd Batching Cycle – 2002

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-11-02</u>
<u>Letter of Intent Deadline</u>	<u>10-28-02</u>
<u>Application Deadline</u>	<u>11-27-02</u>
<u>Completeness Review Deadline</u>	<u>12-04-02</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-03</u>
<u>Agency Initial Decision Deadline</u>	<u>2-28-03</u>

Other Beds and Programs
1st Batching Cycle – 2003

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-11-03</u>
<u>Letter of Intent Deadline</u>	<u>4-28-03</u>
<u>Application Deadline</u>	<u>5-28-03</u>
<u>Completeness Review Deadline</u>	<u>6-04-03</u>
<u>Applicant Omissions Deadline</u>	<u>7-02-03</u>
<u>Agency Initial Decision Deadline</u>	<u>8-29-03</u>

Other Beds and Programs
2nd Batching Cycle – 2003

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-10-03</u>
<u>Letter of Intent Deadline</u>	<u>10-27-03</u>
<u>Application Deadline</u>	<u>11-26-03</u>
<u>Completeness Review Deadline</u>	<u>12-03-03</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-04</u>
<u>Agency Initial Decision Deadline</u>	<u>2-27-04</u>

Other Beds and Programs
1st Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-09-04</u>
<u>Letter of Intent Deadline</u>	<u>4-26-04</u>
<u>Application Deadline</u>	<u>5-26-04</u>
<u>Completeness Review Deadline</u>	<u>6-02-04</u>
<u>Applicant Omissions Deadline</u>	<u>6-30-04</u>
<u>Agency Initial Decision Deadline</u>	<u>8-27-04</u>

Other Beds and Programs
2nd Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-08-04</u>
<u>Letter of Intent Deadline</u>	<u>10-25-04</u>
<u>Application Deadline</u>	<u>11-24-04</u>
<u>Completeness Review Deadline</u>	<u>12-01-04</u>
<u>Applicant Omissions Deadline</u>	<u>12-29-04</u>
<u>Agency Initial Decision Deadline</u>	<u>2-25-05</u>

Other Beds and Programs
1st Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-08-05</u>
<u>Letter of Intent Deadline</u>	<u>4-25-05</u>
<u>Application Deadline</u>	<u>5-25-05</u>
<u>Completeness Review Deadline</u>	<u>6-01-05</u>
<u>Applicant Omissions Deadline</u>	<u>6-29-05</u>
<u>Agency Initial Decision Deadline</u>	<u>8-26-05</u>

Other Beds and Programs
2nd Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-07-05</u>
<u>Letter of Intent Deadline</u>	<u>10-24-05</u>
<u>Application Deadline</u>	<u>11-23-05</u>
<u>Completeness Review Deadline</u>	<u>11-30-05</u>
<u>Applicant Omissions Deadline</u>	<u>12-28-05</u>
<u>Agency Initial Decision Deadline</u>	<u>2-24-06</u>

(h) through (j) No change.
(2) through (6) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Davis, Health Services and Facilities Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Karen Rivera, Consultant
Supervisor
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 7, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE TITLES:	RULE NOS.:
Budget Report and Interim Report Requirements	59E-5.301
Requirements Relating to Change of Ownership or Change in Fiscal Year End	59E-5.302
Revisions of Budgets or Amended Budgets	59E-5.303
Notice of Violation and Response in the review of Budgets and Budget Amendments	59E-5.304
Determination of Base GRAA for Review of Detailed and Amended Budget reports and Budget Letters	59E-5.305
Determination of Maximum Allowable Rate of Increase (MARI)	59E-5.306
Review of Budget Letters; GRAA Banked Points	59E-5.307
Amended Budget Report Review	59E-5.308
Justification of Cost Credits	59E-5.309
Analysis of Hospital Operating costs and Efficiencies	59E-5.310
Analysis of the Hospital's Ability to Earn a reasonable Rate of Return	59E-5.311
Determination of Gross Revenue Per Adjusted Admission	59E-5.312
Evaluation of Changes in Severity and Intensity of Illness	59E-5.314
Staff Findings and Recommendations	59E-5.315
Effective Date of Budgets/Amendments Approved After the Beginning of a Hospital's Fiscal Year	59E-5.316
Corrected Budget Reports	59E-5.317
Amended and Corrected Budget Letters	59E-5.318
Prior Year Report Comparisons; Earning Gross Revenue Percentage Points, Earning Net Revenue Percentage Points, and Penalties	59E-5.401
Fine For Exceeding Approved Gross Revenue per Adjusted Admission	59E-5.402
Purpose of Grouping	59E-5.501
Formation of Specialty Groups	59E-5.502
Formation Of Short Term Acute Care Hospital Groups	59E-5.503
Formation Of Short-Term Psychiatric Hospital Groups	59E-5.504
Identification And Procedure For Calculating Variable Weights	59E-5.505
Group Assignments	59E-5.506
Grouping Resource Data	59E-5.507
Consumer Complaints	59E-5.607

PURPOSE AND EFFECT: The Agency intends to repeal certain sections of Chapter 59E-5, F.A.C. The rules are being repealed, as they are no longer needed since Chapter 98-89, Laws of Florida, repealed Sections 408.003 and 408.072, F.S.;

The Health Care Board and budget review, amended Sections 408.08 and 408.40, F.S. eliminating references to budget review. Since the statutory authority for hospital budget review has been rescinded the rules implementing the program are no longer needed.

SUMMARY: Rules 59E-5.301 thru 59E-5.318, F.A.C., are concerned with the requirements for budget review, the determination of Gross Revenue per Adjusted Admission (GRAA) the determination of the Maximum Allowable Rate of Increase (MARI), requirements and information necessary to mediate penalties. Rules 59E-5.401 and 59E-5.402, F.A.C., are concerned with the mechanisms for determining and accessing penalties, earning gross and net revenue percentage points and the fines for exceeding approved GRAA. Rules 59E-5.501 thru 59E-5.507, F.A.C., concerns the grouping process and its relation to budget review, the formation of groups, the mechanism of grouping and the data required for grouping. Rule 59E-5.607, F.A.C., deals with the Health Care Cost Containment Board's consumer complaints mechanism. This activity has been assigned to a different division within the agency and therefore this rule has become redundant and unnecessary.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

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 RULES IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308-5403

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.301 Budget Report and Interim Report Requirements.

Specific Authority 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.062, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.301, Repealed.

59E-5.302 Requirements Relating to Change of Ownership or Change in Fiscal Year End.

Specific Authority 408.061, 408.15, 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.302, Repealed.

59E-5.303 Revisions of Budgets or Amended Budgets.

Specific Authority 408.061, 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.303, Repealed.

59E-5.304 Notice of Violation and Response in the Review of Budgets and Budget Amendments.

Specific Authority 408.061, 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.304, Repealed.

59E-5.305 Determination of Base GRAA for Review of Detailed and Amended Budget Reports and Budget Letters.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 407.02, 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.305, Repealed.

59E-5.306 Determination of Maximum Allowable Rate of Increase (MARI).

Specific Authority 408.061 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.306, Repealed.

59E-5.307 Review of Budget Letters; GRAA Banked Points.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.307, Repealed.

59E-5.308 Amended Budget Report Review.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.308, Repealed.

59E-5.309 Justification of Cost Credits.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.309, Repealed.

59E-5.310 Analysis of Hospital Operating Costs and Efficiencies.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.310, Repealed.

59E-5.311 Analysis of the Hospital’s Ability to Earn a Reasonable Rate of Return.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.311, Repealed.

59E-5.312 Determination of Gross Revenue Per Adjusted Admission.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.312, Repealed.

59E-5.314 Evaluation of Changes in Severity and Intensity of Illness.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.314, Repealed.

59E-5.315 Staff Findings and Recommendations.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.315, Repealed.

59E-5.316 Effective Date of Budgets/Amendments Approved After the Beginning of a Hospital’s Fiscal Year.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.316, Repealed.

59E-5.317 Corrected Budget Reports.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.317, Repealed.

59E-5.318 Amended and Corrected Budget Letters.

Specific Authority 88-394 Laws of Florida, 408.15 FS. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.318, Repealed.

59E-5.401 Prior Year Report Comparisons; Earning Gross Revenue Percentage Points, Earning Net Revenue Percentage Points, and Penalties.

Specific Authority 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.08 FS. History–New 6-11-92, Formerly 10N-5.401, Repealed.

59E-5.402 Fine for Exceeding Approved Gross Revenue Per Adjusted Admission.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 407.003, 408.061, 408.072, 408.08, 408.15 FS. History–New 6-11-92, Formerly 10N-5.402, Repealed.

59E-5.501 Purpose of Grouping.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.501, Repromulgated, Repealed.

59E-5.502 Formation of Specialty Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.502, Amended 10-10-94, 10-4-95, Repealed.

59E-5.503 Formation of Short Term Acute Care Hospital Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.503, Amended 10-10-94, Repealed.

59E-5.504 Formation of Short-Term Psychiatric Hospital Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.504, Amended 10-10-94, Repealed.

59E-5.505 Identification and Procedure for Calculating Variable Weights.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.505, Amended 10-10-94, Repealed.

59E-5.506 Group Assignments.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 6-11-92, Formerly 10N-5.506, Amended 10-10-94, Repealed.

59E-5.507 Grouping Resource Data.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 10-10-94, Amended 10-4-95, Repealed.

59E-5.607 Consumer Complaints.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072 FS. History—New 6-11-92, Formerly 10N-5.607, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher J. Augsburger, Regulatory Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jeffrey N. Gregg, Bureau Chief,
Health Facility Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 7, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE:

RULE NO.:

Florida Unemployment Compensation
Tax – Indian Tribe

60BB-2.036

PURPOSE AND EFFECT: This rule implements Section 443.1315, Florida Statutes (2002), which allows Indian Tribes to be liable for payments of unemployment compensation in lieu of making contributions. In order to qualify under this provision, the tribe or tribal unit must submit a surety bond.

SUMMARY: Currently, Indian Tribes pay contributions/taxes under the same terms and conditions as other employers pursuant to Sections 443.131 and 443.1715, Florida Statutes, allows an Indian Tribe an election to directly reimburse the Unemployment Compensation Trust Fund instead of paying the contribution/tax. If an Indian Tribe elects to become a “reimbursable employer”, the Tribe would be required to post a bond based upon their immediate past experience of benefits paid to former employees. The bond is required to facilitate the Department of Revenue in any collection of delinquent reimbursements.

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: 443.1315(7) FS.

LAW IMPLEMENTED: 443.1315 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 IS: Robin S. Westcott, Senior Attorney, 107 E. Madison Street, MSC 150, The Caldwell Building, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-2.036 Unemployment Compensation Tax – Indian Tribe.

(1) Each Tribe or tribal unit that elects to become liable for payments in lieu of contributions must submit a completed form UCT-28T in accordance with Section 443.131, F.S. The Tribe or tribal unit must also submit a surety bond. The surety bond must be issued by a bonding company or insurance company authorized by the Department of Insurance to do business in this state. If the bond is signed by an out-of-state agent it shall be countersigned by a Florida resident agent. The surety bond must be submitted on form UCT-40 within 90 days of the effective date of an Indian tribe or tribal unit’s election to become liable for payments in lieu of contributions. The bond must be effective as of January 1 of that calendar year. The Department will not grant final approval of the election application until the bond is timely received and approved. The bond is to be conditioned upon the Indian tribe or tribal unit’s timely compliance with the payment provisions of Section 443.131(5), F.S. Forms UCT-28T and UCT-40 are hereby incorporated by reference and are available by:

(a) Writing to the Florida Department of Revenue, Central Registration-Unemployment Tax, Post Office Box 6510, Tallahassee, Florida 32314-6510;

(b) Faxing a request to the Department of Revenue’s Unemployment Tax Registration Unit at (850)488-5833;

(c) Calling the Department of Revenue’s Unemployment Tax Registration Unit at (850)488-5079; or

(d) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

(2) The bond shall be duly executed by the principal and the surety. The amount of the bond shall be calculated by determining the average amount of benefits charged to the applicant per quarter during the previous calendar year and multiplying that average by two. If there is insufficient employer history to determine the average, the amount of the bond shall be thirty percent of the number of the applicant’s employees, multiplied by three thousand dollars. The Department may review the bond annually to determine if there is a need to adjust the face amount. If the Department determines that the bond amount needs to be increased it shall advise the Indian tribe or tribal unit which shall have 90 days from the date of notification to increase the amount of the bond. The Department may seek recovery from the surety on the bond at any time subsequent to the failure of the Indian tribe or tribal unit to pay any bill within 30 days of the mailing date of the bill pursuant to Section 443.131(5), F.S.

(3) The bond shall be effective until it is canceled. The surety company must give the DOR at least 90 days written notice if it intends to cancel the surety bond. The cancellation shall not be effective until 90 days after the Department

receives written notice of the cancellation. Any cancellation of the bond shall not affect any liability incurred or accrued prior to the effective date of the cancellation. Failure of the Indian tribe or tribal unit to have in effect a surety bond in the amount determined necessary by the Department will cause the Indian tribe or tribal unit to lose the option to make payments in lieu of contributions effective the following calendar year.

Specific Authority 443.1315(7) FS. Law Implemented 443.1315 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin S. Westcott, Senior Attorney, 107 E. Madison Street, MSC 150, The Caldwell Building, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Clendenning, UC Service Manager, Agency for Workforce Innovation, 107 E. Madison Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Engineering

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
RULE NO.: 61G15-22.0003

PURPOSE AND EFFECT: The Board proposes to add this rule to set forth the conditions of exemption from renewal requirements for spouses of members of the Armed Forces of the United States.

SUMMARY: This rule explains the requirements for exemption when a spouse is absent from the state because of duties with the armed forces, sets forth steps for claiming the exemption, tells the duration of the exemption, and how to reactivate the license once the licensee returns to the state.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) 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 IS: Julie Baker, Acting Executive Director, Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.0003 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(m), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R

RULE CHAPTER TITLE: Stationary Sources – General RULE CHAPTER NO.:

Requirements 62-210

RULE TITLE: Forms and Instructions RULE NO.:

62-210.900

PURPOSE AND EFFECT: The Department is proposing to expand the scope of the application for air permit (DEP Form 62-210.900(1)) to accommodate air operation permit renewal for Title V sources and initial air operation permitting for sources assuming federally enforceable restrictions to stay below federal regulation applicability thresholds, and to clarify form use for major-source air construction permitting. In addition, the Department is proposing to amend the application for air permit (DEP Form 62-210.900(1)) in response to comments received September 10, 2002, from the Joint Administrative Procedures Committee (JAPC) and update the Phase II Acid Rain part application (DEP Form 62-210.900(1)(a)) in accordance with the U.S. Environmental Protection Agency’s recent updates to the corresponding federal Acid Rain Program form.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Practitioner Profile RULE NO.:

64B-2.001

PURPOSE AND EFFECT: The Division proposes to update the statutory references in this rule.

SUMMARY: This proposed amendment broadens the definition of financial responsibility by adding reference to s. 456.048, Florida Statutes.

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: 456.044, 456.004 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lola Pouncey, MQA Bureau of Operations, 4052 Bald Cypress Way, Bin C10, Tallahassee, Florida 32399-3270

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-2.001 Practitioner Profile.

The Practitioner Profile shall consist of:

(1) through (5) No change.

(6) “Financial Responsibility” shall consist of the practitioner’s chosen method of demonstrating financial responsibility in accordance with ss. 456.048, ~~ss. 458.320 or ss. 459.0085~~, F.S.

(7) through (10) No change.

Specific Authority 456.044, 456.004 FS. Law Implemented 456.039, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, 456.0391 FS. History–New 8-12-99, Amended 9-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey, Bureau of Operations, Licensure

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Organization RULE NO.:

64B8-40.004

PURPOSE AND EFFECT: The Board proposes to set forth criteria for council member attendance at Council Meetings and other organizational matters.

SUMMARY: This rule addresses the requirements for attendance at Council Meetings and specifies the location of the principle office, normal hours and agent for service of process.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 456.011 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 IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-40.004 Organization.

(1) Attendance at Council Meetings. Council members shall attend all regularly scheduled Council meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Council member, or hospitalization of the member's immediate family.

(a) No Council member may be absent from three consecutive regularly scheduled Council meetings unless the absence is excused for one of the reasons stated in subsection (2) of this rule. An absence for any reason other than the reasons stated in subsection (2) constitutes an unexcused absence for the purpose of declaring a vacancy on the Council. An otherwise excused absence is not excused if the Council member fails to notify the Board office of the impending absence prior to the regularly scheduled Council meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Council itself excuses after the absence has occurred.

(b) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(c) "Immediate family" consists of spouse, child, parents, parent-in-law, siblings, grandchildren, and grandparents.

(2) Principal office, normal hours, service of process.

(a) The principal office of the Council is in Tallahassee.

(b) The office is open from 8:00 a.m to 5:00 p.m. on weekdays, excluding holidays.

(c) The Executive Director of the Council, at the Council's address, is the Council's agent for service of process for all matters relating to the Council.

Specific Authority 468.507 FS. Law Implemented 456.011 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Licensure of Electrologists and Electrology Facilities 64B8-51.006

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to add a requirement to the Electrology Facility Safety and Sanitary Requirements.

SUMMARY: This rule amendment adds the requirement of at least one piece of properly registered laser equipment located within the electrology facility to the Electrology Facility Safety and Sanitary 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.037, 478.43(1), (4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 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 IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (2) No change.

(3) Electrology Facility Safety and Sanitary Requirements

(a) through (f) No change.

(g) In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. through 9. No change.

10. At least one piece of properly registered laser equipment located within the electrology facility.

(4) through (7) No change.

Specific Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 478.49, 478.51 FS. History--New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-based Hair Removal or Reduction
 RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to say that the laser training course be conducted at a licensed electrology facility.

SUMMARY: This rule amendment adds language that the laser training course be conducted at a licensed electrology facility.

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: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 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 IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of ~~Continuing Education~~ Training Courses for Laser and Light-based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education ~~training~~ courses upon application if the following requirements are met:

- (1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250.00, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office. Continuing education providers seeking renewal of provider status shall also pay a \$250.00 fee each biennium. To receive Council approval, a continuing program:

- (a) No change.
- (b) Shall have its sponsor submit to the council at least the following:

1. through 5. No change.

6. The laser training course will be conducted at a licensed electrology facility.

(2) No change.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History--New 10-3-00, Amended 12-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Definitions
 RULE NO.: 64B15-6.001

PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.001, F.A.C.

SUMMARY: The proposed rule amendments update physician assistant designation from "certification" to "licensure" to conform with Board of Medicine's corresponding physician assistant rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 459.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.001 Definitions.

- (1) through (5) No change.

(6) The term "recent graduate" as used herein refers to a person who completed the approved program no more than two years (24 months) prior to the date the application for licensure certification as a physician assistant was received.

(7) The term "fully licensed certified physician assistant" as used herein refers to those physician assistants who have successfully passed the NCCPA examination or other examination approved by the Board and have been issued a license other than a temporary license authorized under certificate pursuant to Sections 459.022(7), 458.347(7)(b)2. and 458.347(7)(f), F.S.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History--New 10-18-77, Formerly 21R-6.01, Amended 10-28-87, 4-18-89, 9-26-90, 3-16-92, Formerly 21R-6.001, Amended 2-20-94, Formerly 61F9-6.001, 59W-6.001, Amended 6-7-98, 3-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Change in Employment Status
RULE NO.: 64B15-6.0031
PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.004, F.A.C.

SUMMARY: The proposed rule amendments update the requirements for a change in employment status and the physician assistant designation from "certification" to "licensure" to conform with Board of Medicine's corresponding physician assistant rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 459.005, 458.309, 458.347(13), 459.022(13) FS.

LAW IMPLEMENTED: 459.022(7)(d), 458.347 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0031 Change in Employment Status.

(1) No change.

(2) ~~Each~~ All persons applying for certification as a ~~prescribing~~ physician assistant shall submit changes an application to the Department Council on the a form approved by the Council and Boards, and provided by the Department within 30 days of any change of employment status. The application shall be accompanied by the application fee.

(3) Upon any change in employment status the licensed certified physician assistant's prescribing privileges shall immediately be stayed until such time as a new written agreement is entered into pursuant to Rule 64B8-30.007 or Rule 64B15-6.0037, F.A.C., and a new form ~~PAX/004~~ is filed with the Department Council.

Specific Authority 459.005, 458.309, 458.347(13), 459.022(13) FS. Law Implemented 459.022(7)(d), 458.347 FS. History--New 10-28-87, Amended 1-3-93, Formerly 21R-6.0031, 61F9-6.0031, 59W-6.0031, Amended 6-7-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B15-6.011
PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.015, F.A.C.

SUMMARY: The proposed rule amendments update the violations and penalties for false, deceptive or misleading advertising and failure to keep legible written medical records to conform with Board of Medicine's corresponding physician assistant rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.079, 459.0015, 459.015(5) FS. LAW IMPLEMENTED: 456.072, 456.079, 459.015(5), 459.022(4)(e)1., (7)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.011 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon physician assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS	RECOMMENDED PENALTIES	
	First Offense	Subsequent Offenses
(a) through (c) No change. (d) False, deceptive, or (459.015(1)(d), F.S.)	(d) From a letter of concern licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00	(d) From a letter of concern misleading advertising to reprimand, or denial of to reprimand to suspension or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00
(e) through (n) No change. (o) Failure to keep legible written medical records. (459.015(1)(o), F.S.)	(o) From letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00	(o) From a reprimand to suspension followed by probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.

1. through 2. No change.

(p) though (ll) No change.

(3) through (4) No change.

Specific Authority 456.079, 459.0015, 459.015(5) FS. Law Implemented 456.072, 456.079, 459.015(5), 459.022(4)(e)1., (7)(f) FS. History--New 4-18-89, Formerly 21R-6.011, Amended 11-4-93, Formerly 61F9-6.011, 59W-6.011, Amended 6-7-98, 4-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Citations RULE NO.: 64B15-19.007

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete continuing education penalties no longer needed to conform to a recent rule amendment.

SUMMARY: The proposed rule amendments eliminate the penalties for non-compliance with the HIV/AIDS and domestic violence continuing education requirements which are specifically addressed in subsections 64B15-19.002(48), (50), F.A.C.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.073, 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.007 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation.

(a) through (e) No change.

~~(f) The fine for falsely certifying compliance with or failing to satisfy the HIV/AIDS course requirement shall be \$2,000.~~

~~(g) The fine for falsely certifying compliance with or failing to satisfy the domestic violence course requirement shall be \$2,000.~~

(h) through (o) renumbered (f) through (m) No change.

(4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.073, 456.077 FS. History--New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, 11-12-00, 1-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

Table with 2 columns: RULE TITLES and RULE NOS.:
Definitions 64B24-4.001
Approval of Training Program 64B24-4.002
Educational Objectives 64B24-4.004
Curriculum Guidelines, and Educational Objectives 64B24-4.006
Clinical Training 64B24-4.007
Four-Month Pre-Licensure Course 64B24-4.010

PURPOSE AND EFFECT: Revision is proposed for Rule Chapter 64B24, F.A.C., in order to provide clarification with regard to training program requirements.

SUMMARY: Rule 64B24-4.001, F.A.C., is amended to indicate the statutory definition for preceptor, provide a definition for "approved program," and clarify the concept of supervision. Amendment is proposed for Rule 64B-24-4.002, F.A.C., to update references to the proper licensing and approval organizations for institutions seeking to provide midwifery education, and to reflect another proposed change to the Rule Chapter. Repeal is proposed for Rule 64B24-4.004, F.A.C, and the language therein is moved to Rule 64B24-4.006, F.A.C. Additional amendment is proposed to provide statutory reference and indicate the necessity for a training program to have a Florida laws and rules component. Finally, clarifying amendments are proposed for Rules 64B24-4.007 and 64B24-4.010, F.A.C.

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: 456.004(5), 467.205(2) FS.

LAW IMPLEMENTED: 467.009(3), 467.0125, 467.205 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-4.001 Definitions.

(1) through (4) No change.

(5) "Direct supervision" means the physical presence within the patient care unit of a preceptor as defined in section 467.033(12), Florida Statutes, or faculty member who assumes clinical legal responsibility for the practice of the student midwife being supervised, and who provides direction and consultation for the actions of such student midwife in the preceptor's or faculty members area of clinical expertise.

(6) through (8) No change.

(9) "Supervision of students" means oversight and direction of student activities by program faculty who are responsible for the results of students' services.

(10) through (12) renumbered as (9) through (11) No change.

(12) "Approved program" means a midwifery school or a midwifery training program which is approved by the department pursuant to Section 467.205, Florida Statutes.

Specific Authority 467.205(2) FS. Law Implemented 467.205 FS. History--New 1-26-94, Formerly 61E8-4.001, Amended 7-25-96, Formerly 59DD-4.001, Amended _____.

64B24-4.002 Approval of Training Program.

(1) Provisional approval shall be granted by the department to an organization to initiate a midwifery training program when it has presented documentation satisfactory to the department that it meets the following criteria:

(a) The training program shall be conducted in either an accredited public institution, or in a non-public institution licensed by the Commission for Independent Education, State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools and which is actively seeking accreditation by an accreditation agency recognized and approved by member of the Council for Higher Education or Postsecondary Accreditation or the United States Department of Education. All training programs shall include both classroom instruction and clinical training;

(b) The time required to complete the training program shall be pursuant to Section 467.009(2), F.S.;

(c) Educational Objectives pursuant to Rule 64B24-4.004, F.A.C.;

(d) No change.

(e) Curriculum Guidelines and Educational Objectives pursuant to Rule 64B24-4.006, F.A.C.;

(f) through (g) renumbered (e) through (f) No change.

(2) through (6) No change.

Specific Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History--New 1-26-94, Formerly 61E8-4.002, 59DD-4.002, Amended _____.

64B24-4.004 Educational Objectives.

Specific Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History--New 1-26-94, Formerly 61E8-4.004, 59DD-4.004, Repealed _____.

64B24-4.006 Curriculum Guidelines, and Educational Objectives.

(1) No change.

(2) Standards for midwifery programs shall encompass classroom instruction and clinical training in all aspects of antepartal, intrapartal, postpartal, and neonatal care pursuant to Section 467.009(1), Florida Statutes, and shall include a component on the law and rules that govern the practice of midwifery in Florida.

~~(a) The core competencies established by the American College of Nurse-Midwives and the Midwives Alliance of North America incorporated herein by reference and effective 1-26-94, and can be obtained upon request from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256; and~~

~~(b) A component on the law and rules which govern the practice of midwifery in Florida.~~

(3) The administration and faculty of the training program shall formulate and adopt educational objectives that ensure curriculum guideline requirements will be met. Such objectives shall be based on a clearly stated philosophy that is in keeping with currently accepted midwifery standards, and which is consistent with the philosophy of the institution of which the training program is a part.

(4) Training program objectives shall identify competencies expected of graduates from the program. Such objectives shall serve as the basis of program development. Course objectives shall state expected behavioral outcomes of the student, serve as the basis for course development and student evaluation, and evidence direct relationship to training program objectives.

(5) All training program objectives shall be reviewed annually by the administration, faculty and students and revised if necessary.

Specific Authority 467.005, 467.205(2) FS. Law Implemented 467.205 FS. History--New 1-26-94, Formerly 61E8-4.006, 59DD-4.006, Amended 9-10-02, _____.

64B24-4.007 Clinical Training.

(1) No change.

(2) Clinical learning experiences based on program objectives shall include a variety of clinical settings such as homes, birth centers, clinics, offices and hospitals.

(3) No change.

(4) The faculty shall select clinical learning experiences and provide the student midwife with a variety of preceptor role models who shall be physically present at every birth and ~~shall be available to the student~~ at all times when the student is

performing in a midwifery capacity with patients. No preceptor shall be assigned more than two students during any clinical experience.

(5) The student midwife, during training, shall undertake, under the direct supervision of a preceptor, the care of 50 women in each of the antepartal, intrapartal and postpartal periods, but the same women need not be seen through all 3 periods. The intrapartum period includes labor, birth, and the immediate postpartum. No more than five percent (5%) of the required intrapartal managements shall include transfers in active labor.

(6) During training under the direct supervision of a preceptor, the student midwife shall undertake the neonatal examination of 50 newborns.

(7) through (8) No change.

Specific Authority 467.005, 467.205(2) FS. Law Implemented 467.205 FS. History--New 1-26-94, Formerly 61E8-4.007, 59DD-4.007, Amended 9-10-02, _____.

64B24-4.010 Four-month Pre-Licensure Course.

(1) The 4-month pre-licensure course shall be approved by the department and shall include, at a minimum:

(a) Content review and demonstration of proficiency in the core competencies established by the American College of Nurse-Midwives and the Midwives Alliance of North America;

(b) Florida Laws and Rules Component;

(c) Provisions for five (5) supervised labor and deliveries and ten (10) supervised prenatal visits by each course participant.

~~(2)(4)~~ Applicants who are applying for licensure as a midwife through endorsement pursuant to Rule 64B24-2.004, F.A.C., shall successfully complete a four (4) month pre-licensure course conducted within an approved midwifery training program pursuant to Rule 64B24-4.002, F.A.C.

~~(3)(2)~~ The applicant shall provide evidence to the department of having completed a four (4) month pre-licensure course which shall include the following:

(a) An official transcript sent directly from the institution, or midwifery training program where the course was taken which shall include course titles, grade received and dates of the program, ~~and; or~~

(b) An original letter on letterhead stationery from the director of the training program which states that the applicant successfully completed the pre-licensure course, ~~the grade earned and the dates of attendance; or~~

~~(c) A certificate stating the successful completion of the pre-licensure course and the dates of attendance. Such certificate shall be signed by the director of the midwifery training program.~~

~~(4)(3)~~ To be admitted to the 4-month pre-licensure course, a person shall meet admission requirements as established by the approved training program and requirements pursuant to Rule 64B24-4.003, F.A.C.

~~(4) The 4-month pre-licensure course shall be approved by the department and shall include the following:~~

~~(a) Content review and demonstration of proficiency in the core competencies established by the American College of Nurse-Midwives and the Midwives Alliance of North America;~~

~~(b) Florida Law and Rules Component;~~

~~(c) Provisions for 5 supervised labor and deliveries and 10 supervised prenatal visits by each course participant.~~

Specific Authority 456.004(5) FS. Law Implemented 467.0125 FS. History--New 1-26-94, Formerly 61E8-4.010, 59DD-4.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLES: RULE NOS.:

Responsibilities of Midwives During the Antepartum Period 64B24-7.007

Responsibilities of Midwives During Intrapartum 64B24-7.008

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating the responsibilities of licensed midwives during the course of their professional duties.

SUMMARY: Clarification is provided regarding a midwife's responsibilities during the antepartal and intrapartal periods of care.

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: 409.908(12), 456.004(5), 467.005, 467.203(1)(e), (f) FS.

LAW IMPLEMENTED: 382.013, 409.908(12), 467.005, 467.006(2), 467.014, 467.015, 467.016, 467.019, 467.203(1)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-7.007 Responsibilities of Midwives During the Antepartum Period.

(1) No change.

(2) The following procedures and examinations shall be completed and recorded at each prenatal visit:

(a) through (b) No change.

(c) Urine dip stick for protein and glucose each visit with leukocytes, ~~glucose~~, ketones, and nitrites as indicated.

(d) through (j) No change.

(3) through (6) No change.

(7) If the conditions listed pursuant to this section are resolved satisfactorily and the physician and midwife deem that after consultation with the midwife deems the patient is expected to have a normal pregnancy, labor and delivery, then the care of the patient shall continue with the licensed midwife.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.007, 59DD-7.007, Amended 9-11-02, _____.

64B24-7.008 Responsibilities of Midwives During Intrapartum.

(1) No change.

(2) Throughout active labor the midwife shall:

(a) through (c) No change.

(d) Measure the blood pressure every hour ~~until cervix is dilated to 8 cm., then every half hour~~ unless significant changes or symptoms require more frequent assessments.

(e) through (h) No change.

(3) through (4) No change.

(5) The midwife shall not perform any operative procedure other than:

(a) through (b) No change.

(c) Episiotomy ~~Midline episiotomy~~, when indicated.

(d) No change.

(6) through (8) No change.

Specific Authority 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.008, 59DD-7.008, Amended 9-11-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Definitions	65A-1.701
Special Provisions	65A-1.702
Family-Related Medicaid Coverage Groups	65A-1.703
SSI-Related Medicaid Coverage Groups	65A-1.710
SSI-Related Medicaid Non-Financial Eligibility Criteria	65A-1.711
SSI-Related Medicaid Resource Eligibility Criteria	65A-1.712
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713
SSI-Related Medicaid Post- Eligibility Treatment of Income	65A-1.714

PURPOSE AND EFFECT: These proposed rule amendments implement a standard income disregard for certain Medically Needy filing unit members, implement the Medicaid Cystic Fibrosis Home and Community-Based Services and Statewide Inpatient Psychiatric Program (SIPP) Waiver programs, add re-mailing the department’s Medicaid eligibility notice to SSI denied individuals as good cause criteria for failure to respond to the notice and, due to action of the 2002 Legislature, provide that Medicaid will not pay for expenses used to meet the Medically Needy share of cost. Additionally, due to a change in federal policy, the budgeting of VA payments including VA aid and attendance, in determining patient responsibility for institutionalized individuals is changed for individuals in VA nursing homes.

SUMMARY: The Medically Needy program amendments provide for a \$270 income disregard from the countable income of the filing unit when determining the Medically Needy eligibility of a pregnant woman, a non-relative child under 19, other children under 21 living with parents or relatives who exercise parental control, or an aged, blind, or disabled individual. Only one disregard is applied to the filing unit no matter how many individuals in the filing unit have income. Additionally, 2002 legislation is implemented to provide that Medicaid will not pay any bill or the portion of any bill used to meet the Medically Needy share of cost. Once bill tracking for the month is completed to determine the share of cost, in the absence of agency error, any new bills presented will be used to meet the share of cost in a future month and will not be paid by Medicaid. The bills must be unpaid and still owed in the future month.

Rule 65A-1.701, F.A.C., provides a definition for the Medicaid Cystic Fibrosis Home and Community-Based Services Waiver program. This program provides coverage for Florida residents age 18 through 59, who have a diagnosis of Cystic Fibrosis, meet disability criteria, are at risk of institutional care and have incomes up to 300% of the Federal Benefit Rate.

Rule 65A-1.702, F.A.C., provides that re-mailing “undelivered” department notices returned to the department after being sent to individuals whose SSI application has been denied is considered good cause for failing to contact the department within 30 days.

This rule amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 19 who are at high risk of inpatient mental health services. Medically Needy and Medicare recipients are not eligible for this program.

The proposed rule amendments applicable to post-eligibility treatment of VA pension income require that the amount of certain individuals’ veteran’s pension, including any payment made for aid and attendance, that is in excess of \$90 per month will be considered available to meet the individual’s patient responsibility to the VA nursing facility. This provision applies only to the following individuals: a veteran who does not have a spouse or child and who resides in a state veterans’ home to which the Secretary of Veterans Affairs makes per diem payments for nursing home care; and, a surviving spouse (with no child) of a veteran in the same living arrangement indicated above.

Additionally, Rule 65A-1.710, 65A-1.711, 65A-1.712, and 65A-1.713, F.A.C., amendments implement the Medicaid Cystic Fibrosis Home and Community-Based Waiver program. **SPECIFIC AUTHORITY:** 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.904, 409.906, 409.919 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: 2:00 p.m., May 12, 2003
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

- 65A-1.701 Definitions.
- (1) through (8) No change.
- (9) Cystic Fibrosis Waiver Program: A Home and Community-Based Services (HCBS) waiver program for individuals ages 18 through 59 who are diagnosed with cystic fibrosis and who would require hospitalization were it not for the receipt of home and community-based services.
- (9) through (29) renumbered (10) through (30) No change.
- (~~31~~)(~~30~~) Share of Cost (SOC): SOC represents the amount of recognized medical expenses that a Medically Needy enrolled individual or family must incur ~~be responsible to pay~~

each month before becoming eligible to receive Medicaid benefits for medical expenses incurred during the remainder of the month. Medicaid does not pay for medical expenses used to meet the share of cost.

(31) through (36) renumbered (32) through (37) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 4-1-03, _____.

65A-1.702 Special Provisions.

(1) through (3)(b) No change.

(c) Good cause includes severe illness of the individual or a family member, an accident involving the individual or a family member, hospitalization of the individual or a family member, death of a family member, natural disaster, being away from home, ~~or~~ unexpected closure of the department's offices or when the department re-mails a notice regarding the individual's pending Medicaid eligibility to an individual previously denied SSI benefits, if the notice was returned to the department marked "undelivered".

(d) through (12) No change.

(13) Determining Share of Cost (SOC). The SOC is determined by deducting the Medically Needy income level from ~~the an~~ individual's or family's income that remains after the Medically Needy disregard, as specified in Rule 65A-1.703, F.A.C. Medicaid does not pay for medical expenses used to meet the share of cost.

(14) through (15) No change.

(16) Statewide Inpatient Psychiatric Program (SIPP) waiver. This program provides inpatient mental health treatment and comprehensive case management planning to enable discharge to less restrictive settings in the community for children under the age of 18 who are placed in an inpatient psychiatric program. Those who are Medically Needy and those who are Medicare recipients are excluded from this program. Services must be received from a designated provider selected by AHCA. This program provides an exception to provisions that residents of an institution for mental disease (IMD) are not eligible for Medicaid.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, _____.

65A-1.703 Family-Related Medicaid Coverage Groups.

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

(b) The following provisions apply to Medically Needy.

1. The individual or family must have income, after the Medically Needy disregard, if applicable, equal to or less than the respective Medically Needy income standards prescribed in subsection 65A-1.716(2), F.A.C. If income exceeds the Medically Needy income standards refer to subsection 65A-1.707(2), F.A.C. The Medically Needy disregard of \$270

is applicable to a filing unit when determining the Medically Needy eligibility of a pregnant woman, a non-relative child under 19, other children under 21 living with parents or relatives who exercise parental control, or an aged, blind, or disabled individual. Only one disregard is applied to the filing unit no matter how many individuals in the filing unit have income. Refer to Rule 65A-1.713, F.A.C., for additional income criteria applicable to the Medically Needy Program.

2. No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 2-15-01, _____.

65A-1.710 SSI-Related Medicaid Coverage Groups.

The department covers all mandatory coverage groups and the following optional coverage groups:

(1) through (4) No change.

(5) Medically Needy Program. A Medicaid coverage group, as allowed by 42 U.S.C. §§1396a and 1396d, for aged, blind or disabled individuals (or couples) who do not qualify for categorical assistance due to their level of income or resources. The program does not cover nursing facility care, intermediate care for the developmentally disabled services, or other long-term care services. This program requires a share of cost (SOC) and Medicaid does not pay medical expenses used to meet the SOC. Additionally, the standard disregard specified in Rule 65A-1.703, F.A.C., is allowed in determining applicable income.

(6) through (7) No change.

(8) Cystic Fibrosis Waiver Program. The Cystic Fibrosis (CF) Waiver provides services to individuals who are diagnosed with cystic fibrosis and would require hospitalization were it not for the receipt of home and community based services (HCBS).

Individuals must meet Medicaid eligibility criteria under one of the following allowable Medicaid programs: SSI (may be directly enrolled in the CF Waiver by the case manager); or, MEDS-AD (may be directly enrolled in the CF Waiver by the case manager); or, HCBS (must meet additional ICP-related criteria with the exception of an institutional living arrangement).

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, _____.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general and categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) through (4)(f) No change.

(g) Be ages 18 through 59 and disabled in accordance with SSI disability criteria set forth in 42 CFR §§ 435.540 and 435.541, with a diagnosis of cystic fibrosis, and have a need for medically necessary services. Additionally, individuals must meet a level of care of being at risk of hospitalization and must be currently enrolled in the Cystic Fibrosis Waiver.

(5) through (9) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 4-1-03, _____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) through (g) No change.

(h) For the Cystic Fibrosis Waiver Program an individual cannot have countable assets that exceed \$2,000, unless the individual's income falls within the MEDS-AD limit. If their income is within the MEDS-AD limit, the individual can have assets up to \$5,000. Transfer of assets policy applies as if the individual was applying for the Institutional Care Program (ICP). Spousal impoverishment policies apply. However assets belonging solely to an ineligible spouse must be considered in the initial eligibility determination.

(2) through (4) No change.

Specific Authority 409.919, FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, _____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) through (g) No change.

(h) For Medically Needy, income must be less than or equal to the Medically Needy income standard after the standard disregard specified in Rule 65A-1.703, F.A.C. and deduction of allowable medical expenses.

(i) through (m) No change.

(n) For the Cystic Fibrosis Waiver Program an individual cannot have income that exceeds 300% of the federal benefit rate as defined in subsection 65A-1.701(13), F.A.C. An income trust may be established to qualify for this assistance. The CF Waiver has a patient responsibility. The individual is entitled to a personal needs allowance equal to 300% of the FBR. Because the personal needs allowance and income limit are the same, i.e. 300% of the federal benefit rate, only those who become eligible using an income trust will have a patient

responsibility. Payment for waiver services is not available to individuals under Medically Needy coverage, even if the share of cost is met.

(2) through (4)(b) No change.

(c) Medically Needy. The amount by which the individual's income, after deduction of the standard disregard, as specified in Rule 65A-1.703, F.A.C., exceeds the Medically Needy income level, called the "share of cost", shall be considered available for payment of medical care and services. The department computes available income for each month eligibility is requested to determine the amount of excess countable income available to meet medical costs. If countable income exceeds the Medically Needy income level the department shall deduct allowable medical expenses in chronological order, by date day of service. ~~Countable income is determined in accordance with Rule 65A-1.713(2), F.A.C.~~ To be deducted the expenses must be unpaid, or if paid, must have been paid in the month for which eligibility is being determined. If the individual brings in a new bill after bill tracking for a month has been completed, in the absence of agency error, no re-tracking will be done for the month. The new bill will be used to meet the share of cost in a future month and will not be paid by Medicaid. The new bill must be unpaid and still owed in the future month. Medical expenses reimbursed by a state or local government not funded in full by federal funds, excluding Medicaid program payments, are allowable deductions. Any other expenses reimbursable by a third party are not allowable deductions. Examples of recognized medical expenses include:

1. through 2. No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, _____.

65A-1.714 SSI-Related Medicaid Post-Eligibility Treatment of Income.

After an individual satisfies all non-financial and financial eligibility criteria for Hospice, institutional care services or ALW/HCBS, the department determines the amount of the individual's patient responsibility. This process is called post-eligibility treatment of income.

(1) For Hospice and institutional care services, the following deductions are applied to the individual's income to determine patient responsibility:

(a) No change.

(b) Single veterans or surviving spouses with no dependents residing in medical institutions who receive a reduced VA Improved Pension of \$90, or less, are entitled to keep their reduced VA pension payment and shall have \$35 of their income protected for their personal need allowance. Single veterans and veterans' surviving spouses with no child residing in a state veterans' home to which the Secretary of Veteran's Affairs makes per diem payments for nursing care shall have the amount of the veteran's pension, including any

payment made for aid and attendance, that is in excess of \$90 per month count in determining total income available to meet the individual's patient responsibility to the VA nursing facility.

(c) through (g) No change.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, 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 Bureau – Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002 and January 31, 2003

Section III Notices of Changes, Corrections and Withdrawals

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.013
RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the following changes to Rule 19-8.013, F.A.C. have been made in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly on February 21, 2003, in Vol. 29, No. 8. The changes noticed are numbered 1. through 3., below.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

1. The first sentence in paragraph (3) improperly struck the word "Fund." Also, the word "of" has been stricken and replaced with the word "for." This sentence now reads as follows:

The Florida Hurricane Catastrophe Fund's (Fund or FHCF) liability under the Reimbursement Contracts entered into, pursuant to Section 215.555(4)(a), Florida Statutes, paragraph (a) of subsection (4), with Participating Insurers writing Covered Policies, is limited to the Balance of the Fund for as of December 31 of the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the FHCF, plus the amount the Board has raised or is able to raise

through the issuance of revenue bonds pursuant to the provisions of Section 215.555(6), Florida Statutes, subsection (6).

2. A reference to "any reinsurance purchased by the FHCF" has been added to the first sentence in paragraph (3)(a). This sentence now reads as follows:

(a)2. The Board notes the requirement in Section 215.555(4)(c)2., Florida Statutes paragraph (e) of subsection (4) to publish estimates of the Fund's anticipated borrowing capacity in May and October of each year and states that, although the Board will in good faith attempt to sell revenue bonds up to the amounts estimated, the Fund's liability is nevertheless limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF and the amount which the Board is able to raise through the issuance of revenue bonds, not the amount which the Board estimates it is able to raise through such issuance.

3. The first sentence in paragraph (4)(c)1. has been reworded as follows:

1. If the Board determines that the amount of revenue produced under Section 215.555(5), Florida Statutes, is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds, and the Balance of the Fund is likely to be exhausted, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on each insurer writing property and casualty business in this state. The Board interprets the word "insufficient" in the first sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contract, the board may take the necessary steps under paragraph (b) or paragraph (e) for the issuance of revenue bonds for the benefit of the fund;" and in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads:

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0035
RULE TITLE: Application for Provisional and/or Standard Certification

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Building Code Administrators and Inspectors