

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 13, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 10, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
PART V GROUP HEALTH INSURANCE POLICIES	
4-154.402	Applicability and Scope
4-154.403	Definition of Terms
4-154.404	Certificate of Creditable Coverage
4-154.405	Alternative Method of Determining Creditable Coverage
4-154.406	Demonstration of Creditable Coverage if Certificate Is Not Provided
4-154.407	Notice of Plan's Pre-existing Condition Exclusion Period
4-154.4071	Pre-Existing Condition
4-154.408	Special Enrollment Period Notification
4-154.411	Prohibited Discrimination
4-154.412	Group Conversion Election and Premium Notice Form
PART VI SMALL GROUP HEALTH INSURANCE POLICIES	
4-154.502	Applicability and Scope
4-154.503	Definitions
4-154.504	Requirement to Insure Entire Groups
4-154.506	Certificate of Creditable Coverage
4-154.507	Alternative Method of Determining Creditable Coverage
4-154.508	Demonstration of Creditable Coverage if Certificate is Not Provided
4-154.512	Prohibited Discrimination
4-154.516	Prohibited Discrimination
4-154.517	Group Conversion Election and Premium Notice Form
4-154.518	Notice of Plan's Pre-existing Condition Exclusion Period
4-154.5181	Pre-Existing Condition

NOTICE OF PUBLIC HEARING

A public hearing will be held on the above referenced proposed rules, which were originally published in Vol. 28, No. 33, August 16, 2002, of the Florida Administrative Weekly. Proposed rules 4-154.511, .513, .514, and .515 were withdrawn

on December 18, 2002. A Notice of Change was published in Vol. 28, No. 52, December 27, 2002. The hearing will be held as follows:

TIME AND DATE: 10:30 a.m., February 19, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-12.002	Campus Security/Police Department

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 29, No. 3, January 17, 2003, has been withdrawn.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-6.001	Imposition of the Gross Receipts Tax

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 12B-6.001, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 28, No. 46, pp. 4989-4996). These changes are in accordance with s. 120.54(3)(d)1., F.S.

In response to written comments received by the Department, the proposed amendments to paragraph (b) of subsection (2) of Rule 12B-6.001, F.A.C., have been changed so that, when adopted, that paragraph will read:

(2)(b) Gross receipts, for purposes of this rule, do NOT
~~shall not include:~~

(b)1.2. Receipts from the The sale within this state of
natural gas or electricity to a public or private utility, including
a municipal corporation, an agency thereof, or rural electric
cooperative association, for resale within the state, or as part of
an electrical interchange agreement or contract between such
utilities for the purpose of transferring more economically
generated power or the sale of telecommunication services for
resale of telecommunication services wholly or partially within

this state; provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the provisions of s. 203.01(3)(c), F.S.

2. A public or private electric or gas utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, must document sales for resale by obtaining resale certificates obtained from customers who purchase utility services for the purposes of resale. The utility is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

**RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON UTILITY SERVICES**

This is to certify that the electricity for light, heat, or power or the natural gas for light, heat, or power purchased after (date) from (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under s. 203.03(2), F.S.

Under the penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true and correct to the best of my knowledge and belief.

Purchaser's Name

Purchaser's Address

Name and Title of Purchaser's Authorized Signature

Certificate of Registration Number

Effective Date of Registration

By (authorized signature)

Date

PUBLIC SERVICE COMMISSION

DOCKET NO. 010774-TP

RULE NO.:

25-24.491

RULE TITLE:

Notice to Customers Prior to

Increase in Rates or Charges

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 42, October 18, 2002, issue of the Florida Administrative Weekly:

25-24.491 Notice to Customers Prior to Increase in Rates or Charges.

(1) All interexchange telecommunications companies shall provide reasonable notice of any increase in intrastate telecommunications rates, or any changes in terms or conditions that would cause an ~~material~~ increase in customer charges, to each of their affected residential and single-line business retail subscribers, prior to implementation of the increase.

(2) The notice shall be clear and conspicuous, shall be identified with the heading: "Notice of Price Increase," or "Notice of Price Change," if the change will result in a price increase for some customers and a price decrease for some customers, and shall be presumed reasonable if provided in any of the following manners:

(a) First class mail postmarked at least 15 days prior to the effective date of the increase in rates or charges to the customer;

(b) A bill insert or bill message mailed to the customer no later than one billing cycle prior to the effective date of the increase in rates or charges to the customer;

(c) For those customers who have elected to receive electronic billing, an electronic message sent at least 7 days prior to the effective date of the increase in rates or charges to the customer; or

(d) Pursuant to a written contract that specifically and conspicuously prescribes a method for notice of price increases.

Specific Authority 350.127, 364.0252, 364.19 FS. Law Implemented 364.0252, 364.19 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.1020 Timeframe for Providing Requested Information

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 45, Page 4855, on November 8, 2002, in the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: RULE TITLES:

59A-7.021 Laboratory Licensure –

Qualifications, Licensure,

Operation and Application

59A-7.036 Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly.

Paragraph 59A-7.021(1)(k), subparagraph 59A-7.021(1)(k)7. and paragraph 59A-7.036(2)(c), F.A.C., have been changed to reflect comments received from the Joint Administrative Procedures Committee on December 31, 2002. Proposed paragraph 59A-7.036(6)(a), F.A.C., has been reworded to reflect the correct calculation of the fee.

The text of the proposed rule changes is:

59A-7.021(1)(k), F.A.C., Such other information requested on AHCA Form 3000-4, Initial Clinical Laboratory Licensure Application, REV ~~Nov 2002~~ ~~Mar 95~~, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3000-4, Initial Clinical Laboratory Licensure Application, REV ~~Nov 2002~~ ~~Mar 95~~, shall be obtained from the agency and is incorporated by reference herein.

59A-7.021(1)(k)7., F.A.C. Such other information requested on AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV ~~Nov 2002~~ ~~Mar 95~~, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV ~~Nov 2002~~ ~~Mar 95~~, shall be obtained from the agency and is incorporated by reference herein.

59A-7.036(2)(c), F.A.C. Acceptable methods of payment include check, money order or SAMAS transfer of funds from another state agency. Payment shall be by check, money order or other method acceptable to the agency.

59A-7.036(6)(a), F.A.C. The additional fee shall be calculated by subtracting the licensure fee already paid for the existing license from any new applicable licensure fee pursuant to s. 483.172. The additional fee shall be calculated by subtracting any new applicable licensure fee pursuant to s. 483.172 from the licensure fee already paid for the existing license.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permits
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parenteral Conscious Sedation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 45, November 8, 2002, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:	RULE TITLE:
64B7-26.001	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-4.022	Licensure Denial

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule repeal, as noticed in Vol. 28, No. 52, of the Florida Administrative Weekly on December 27, 2002, has been withdrawn.

The person to be contacted regarding the rule is: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Administrative Leave	53ER03-7

SUMMARY OF THE RULE: This emergency rule sets forth the provision for administrative leave for protection of the Lottery's best interest.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-7 Administrative Leave.

Administrative Leave for Protection of Lottery's Best Interests. The Secretary may place an employee on administrative leave with pay when such action is determined to be in the Lottery's best interests, considering factors such as the safety, security, or integrity of the Lottery's employees, business interests, facilities, or other resources.

Specific Authority 24.105(9)(j), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History--New 1-24-03.