

general information; physical environment; training; record keeping; and to draft a rule for the purpose of defining after school programs that do not require licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES: CORPORATION CLERK  
 Corporation Clerk  
 Final Orders

RULE NOS.:  
 67-51.002  
 67-51.003

PURPOSE AND EFFECT: The purpose and effect of this Rule is to establish the Corporation Clerk for the Florida Housing Finance Corporation and create the procedures by which the Corporation Clerk shall operate. The creation of these procedures will increase the efficiency and effectiveness of overall operations of the Florida Housing Finance Corporation.

SUBJECT AREA TO BE ADDRESSED: Creation of the rules governing the Corporation Clerk's duties.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507, 420.53(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Maelene Tyson, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

67-51.002 Corporation Clerk.

(1) The address for the Corporation Clerk is Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) The Corporation Clerk shall receive all administrative petitions, motions, requests, pleadings and other papers and docket them, maintain the files of such proceedings, and prepare the record of any case which is appealed to the First District Court of Appeal.

(3) The Corporation Clerk shall accept for filing administrative petitions, motions, pleadings, requests, in accordance with the following:

(a) All petitions, motions, requests or pleadings must be filed in original with one copy by mail, courier, facsimile or hand delivery:

(b) Petitions, motions, requests or other pleadings that are sent by facsimile or electronic mail, shall be accepted on the date transmitted. A copy of the original physically signed document shall be delivered by mail not later than the next business day:

(c) All petitions, motions, requests, pleadings and other papers shall be legible, either printed or typed; preferably double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History--New \_\_\_\_\_.

67-51.003 Final Orders.

The Corporation Clerk shall maintain all agency final orders and subject matter index and such orders pursuant to the requirements of Section 120.53, Fla. Stat.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History--New \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLES:	RULE NOS.:
Placement of Races on Primary Ballots	1S-2.002
Revocation of Certification for Committees of Continuous Existence	1S-2.020
Revocation of Registration of Political Committees	1S-2.021
Electronic Transmission of Absentee Ballots	1S-2.030

PURPOSE AND EFFECT: To amend the Rules listed above.  
 SUMMARY: Amendments to the abovementioned Rules for technical, and some substantive, changes necessary due to changes in both state and federal election laws.

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: 101.015, 101.697, 106.03(7), 106.04(7) FS.

LAW IMPLEMENTED: Art. VI, Section 5(b), Fla. Const., 101.697, 106.03, 106.04(7) FS.

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

TIME AND DATE: 2:00 p.m., Monday, September 15, 2003

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sarah Jane Bradshaw, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.002 Placement of Races on Primary Ballots.

(1) Purpose and applicability.

(a) This rule provides standards for:

1. The order and appearance of ballots and races on ballots in Primary Elections which include a Universal Primary Contest,

2. The tabulation of Universal Primary Contests, and

3. Reporting results of Universal Primary Contests.

(b) This rule applies to all elections held by political subdivisions and municipalities of the State of Florida that include a Universal Primary Contest.

~~(c) Pursuant to Section 101.27(3), F.S., political subdivisions and municipalities of the State of Florida that use mechanical voting machines shall follow the standards of this rule as nearly as practicable. Specifically, the placement of the UPC on the ballot and the appearance of the ballots and races under subsections (3) and (4) of this rule shall be accomplished to the extent and in such manner as deemed appropriate by the Supervisor of Elections or Municipal Elections Official, given the structure of the election and the limitations of the mechanical voting machines.~~

(2) Definitions. The terms listed herein are intended to have the following meanings:

(a) "Universal Primary Contest" or "UPC" means a contest in a primary election, in which all candidates have the same party affiliation and the winner will have no opposition in the general election, upon which all qualified electors may vote, regardless of party affiliation.

(b) "Primary" means a Primary Election as defined in Section 97.021(25)(21), F.S.

(3) Placement on Ballot. When a Primary includes one or more UPCs, all UPC offices and candidates shall appear on the ballot for each party and on the non-partisan ballot in the order specified in Section 101.151 401.141(4), F.S.

~~(4) Appearance of ballots and races. When a Primary includes one or more UPCs, the ballot specifications shall be governed by Sections 101.141, 101.181, 101.27 and 101.5609, F.S., with the following exceptions:~~

~~(a) Either:~~

~~1. Across the top of any ballot page, card or voting machine ballot including a UPC, shall be printed, "Official Primary Ballot \_\_\_\_\_ Party and Universal Primary Contest(s)" (with proper party name inserted) and with "Contest" being either singular or plural, as appropriate; or~~

~~2. Each time a UPC appears on a ballot, the words "Universal Primary Contest" shall appear after, or underneath, the office name of the UPC and before the "Vote for..." text.~~

~~(b) The names of all candidates for all partisan offices including candidates for the UPC office shall be displayed with an appropriate party name or abbreviation of party name. The party name or abbreviation of party name shall be similar to that used on a general election ballot pursuant to Section 101.151(4), F.S.~~

~~(4)(5) Tabulation of UPC's may be accomplished by any method deemed appropriate by the supervisor of elections in each county, given the particular voting system used in the county, and the existing security procedures and resources available in the county. A supervisor may code the UPC in the voting system as three separate contests (one contest for each partisan ballot and one contest for the non-partisan ballot) and manually total the results of the three contests to determine the results for the UPC. If the voting system in a county is capable of accepting coding for, and tabulating the UPC as a single contest, while maintaining the ballot order specified in subsection (3) of this rule, the supervisor may then code the UPC in the voting system as a single contest so that the software automatically totals the results for the UPC from each ballot face.~~

(6) Reporting of UPC results. Counties shall not be required to report UPC results separately for each party and non-partisan ballot. Results may appear in the reports generated by the voting system in any format and order deemed appropriate by the supervisor of elections, given the particular voting system used in the county, and the existing security procedures and resources available in the county. Supervisors of elections may employ manual procedures to convert the format of results on the voting system reports to the format needed for official reports of results.

Specific Authority 101.015, 101.5609 FS. Law Implemented Article VI, Section 5(b) of the Florida Constitution, 101.141, 101.181, 101.5609 FS. History—New 10-22-00, Amended \_\_\_\_\_.

1S-2.020 Revocation of Certification for Committees of Continuous Existence.

(1) The Division of Elections shall revoke the certification of a committee of continuous existence (hereinafter committee) when review of the annual report, required by Section 106.04(4), F.S., indicates that the committee fails to meet the following criteria:

(a) The committee is organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; or and

(b) At least 25 percent of the income of the committee is derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws. The written charter or bylaws must set forth the time period for which membership dues are assessed so that the Division of Elections may make this assessment. If the written charter or bylaws do not set forth the time period, the membership dues will be deemed to be for a calendar year.

(2) The certification shall be revoked until such time as the criteria are again met.

(3) The Division of Elections shall send notification to the treasurer of the committee of the Division's preliminary intent to revoke the certification of the committee. Within 30 days of receipt of the Division's preliminary notice of intent to revoke, the committee may provide additional documentation to the Division showing that the committee's certification should not be revoked. Upon review of such documentation, if the Division determines that the committee certification should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the Division determines that the committee certification should be revoked, a final notice of intent to revoke the certification of the committee shall be issued by the Division. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the Division shall issue a final notice of intent to revoke the certification of the committee.

(4) If the committee objects to such revocation termination, the committee must file a notice of appeal within 30 days of receipt of the Division's final notice of intent to revoke. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Notice of appeal shall be filed with the Division of Elections, Room L66 400, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250. The Division will forward the appeal and will be presented to the Florida Elections Commission ~~for a hearing based upon the notice and supporting information.~~

(5) Failure to timely file a notice of appeal as described herein shall constitute a waiver of any such entitlement.

(6) A committee desiring a hearing before the commission must include in the notice of appeal a separate request for hearing. ~~If a request for hearing is included in the notice of appeal, the hearing will be placed on the agenda for the next meeting of the commission.~~

(7) ~~The issuance of a final order by the Division of Elections or the Florida Elections Commission shall be final agency action.~~

(7)(8) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Specific Authority 106.04(7) FS. Law Implemented 106.04(7) FS. History—New 11-11-90, Amended \_\_\_\_\_.

IS-2.021 Revocation of Registration of Political Committees.

(1) The filing officer shall revoke the registration of a political committee (hereinafter committee) on the basis of the following factors:

(a) The committee has failed to file campaign treasurers' reports for more than 12 months; or

(b) The committee's aggregate reported financial activity during the calendar year is less than \$500. However, any committee required to register under a provision unrelated to financial activity shall not have its registration revoked if the committee can show that it is actively pursuing the activity for which it was required to register.

(2) The filing officer shall send notification to the committee treasurer of the filing officer's intent to revoke the registration of the committee. Within 30 days of receipt of the filing officer's preliminary notice of intent to revoke, the committee may provide additional documentation to the filing officer showing that the committee's registration should not be revoked. Upon review of such documentation, if the filing officer determines that the committee registration should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the filing officer determines that the committee registration should be revoked, a final notice of intent to revoke the registration of the committee shall be issued by the filing officer. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the filing officer shall issue a final notice of intent to revoke the registration of the committee.

(3) If the committee objects to such revocation termination, it must file an appeal within 30 days of receipt of the final filing officer's notice of intent to revoke. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the Division of Elections, Room L66 400, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250. The Division will forward the appeal and will be presented to the Florida Elections Commission ~~for a hearing based upon the notice and supporting information.~~

(4) Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement. ~~A final order of waiver shall be promptly entered and executed by the Director of the Division of Elections without the necessity of any further action being taken by the Florida Elections Commission.~~

(5) A committee desiring a hearing before the commission must include in the appeal a separate request for hearing. ~~If a request for hearing is included in the appeal, the hearing will be placed on the agenda for the next meeting of the commission.~~

(6) ~~The issuance of a final order by the Florida Elections Commission shall be final agency action.~~

~~(6)(7)~~ Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Specific Authority 106.03(7) FS. Law Implemented 106.03 FS. History--New 2-28-90, Amended \_\_\_\_\_.

#### 1S-2.030 Electronic Transmission of Absentee Ballots.

(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in Section 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

- (a) The name of the voter requesting the ballot.
- (b) The voter's county of legal residence in Florida.
- (c) The voter's date of birth.
- (d) One of the following:

1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.

2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.

3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.

(e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections or to a number provided by Federal Voting Assistance Program of the Department of Defense. In order for

the ballot to be counted it must be received by the supervisor of elections no later than 7 p.m. election day ~~the time the polls close for the election.~~

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be the same as the Voter's Certificate in Section 101.64, F.S.

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

~~(d)(e)~~ In order for your ballot to be counted, you must complete the Voter's Certificate, which must include your signature and the signature and address of a witness 18 years of age or older. You must also include the date you signed the Voter's Certificate or your ballot may not be counted.

~~(e)(d)~~ You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

~~(f)(e)~~ You may fax your ballot and the Voter's Certificate to the supervisor of elections at (fax phone number) or you may fax your ballot to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot to a number provided by the Federal Voting Assistance Program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7:00 p.m. election day. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

~~(g)(f)~~ To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

~~(h)~~~~(g)~~ **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(16) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History—New 5-27-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sarah Jane Bradshaw, Assistant Division Director  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Edward C. Kast, Director, Division  
of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 3, 2003

**DEPARTMENT OF INSURANCE**

RULE TITLES: RULE NOS.:  
Universal Life Valuation and Nonforfeiture 4-164.010  
Valuation of Life Insurance Policies 4-164.020

PURPOSE, EFFECT AND SUMMARY: The rule adopts NAIC guidelines as provided in Section 625.121(5)(j), F.S. The purpose of the statutorily permitted retroactive date of January 1, 2000, is to provide uniform adoption dates for all states. Other states have adopted the NAIC model with an effective date of January 1, 2000. The effect will not be retroactive since reserves reported prior to adoption are not affected. The rule does not abrogate any contracts.

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), 625.121(12)(b), 627.476(10)(c) FS.

LAW IMPLEMENTED: 624.307(1), 625.12(5)(j) 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., September 16, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-164.010 Universal Life Valuation and Nonforfeiture.

(1) through (2) No change.

(3) Valuation.

(a) Requirements. The minimum valuation standard for universal life insurance policies shall be the Commissioners' Reserve Valuation Method, as described below, for such policies, and the tables and interest rates specified below.

1. No change.

2. Interest and mortality rates. ~~a.~~ All present values shall be determined using:

~~a.i.~~ An interest rate (or rates) specified in subsections 625.121(5) and 625.121(6), Florida Statutes, for policies issued in the same year;

~~b.ii.~~ The mortality rates specified in subsection 625.121(5), Florida Statutes, for policies issued in the same year; and

~~c.iii.~~ Any other tables needed to value supplementary benefits provided by a rider which is being valued together with the policy.

~~b.~~ In no event, however, shall the present values be less than those determined using the guarantees of interest and mortality contained in the policy.

(b) No change.

(4) No change.

Specific Authority 624.308(1), 625.121(12)(b), 627.476(10)(c) FS. Law Implemented 624.307(1), 625.121, 627.476 FS. History—New 6-30-94, Amended 3-9-95, \_\_\_\_\_.

4-164.020 Valuation of Life Insurance Policies.

(1) Purpose.

(a) The purpose of this rule is to provide:

1. Tables of select mortality factors and rules for their use;

2. Rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and

3. Rules concerning a minimum standard for the valuation of plans with secondary guarantees.

(b) The method for calculating basic reserves defined in this rule will constitute the Commissioners' Reserve Valuation Method for policies to which this rule is applicable.

(2)(a) This rule is consistent with Appendix A-830 of the NAIC Accounting Practices and Procedures Manual as adopted in Rule 4-137.001, F.A.C.

(b) This rule applies to policies issued during calendar year 2000 in addition to those issued on or after January 1, 2001.

(3) Applicability. This rule shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after January 1, 2000, subject to the following exceptions and conditions:

(a) Exceptions.

1. This rule shall not apply to any individual life insurance policy issued on or after the effective date of this rule if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before January 1, 2000, that guarantees the premium rates of the new policy. This rule also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

2. This rule shall not apply to any universal life policy that meets all the following requirements:

a. Secondary guarantee period, if any, is 5 years or less;

b. Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in paragraph (4)(f) and the applicable valuation interest rate; and

c. The initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period.

3. This rule shall not apply to any variable life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

4. This rule shall not apply to any variable universal life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

5. This rule shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(b) Conditions.

1. Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of subsection (6).

2. Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of subsection (7).

(4) Definitions. For purposes of this rule:

(a) "Basic reserves" means reserves calculated in accordance with Section 625.121(7), Florida Statutes.

(b)1. "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception for the first segment) to the end of the latest policy year as determined below. All calculations

are made using the 1980 CSO valuation tables, as defined in paragraph (f), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in paragraph (5)(b) of this rule.

2. The length of a particular contract segment shall be set equal to the minimum of the value  $t$  for which  $G_t$  is greater than  $R_t$  (if  $G_t$  never exceeds  $R_t$  the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where  $G_t$  and  $R_t$  are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

$x$  = original issue age;

$k$  = the number of years from the date of issue to the beginning of the segment;

$t = 1, 2, \dots$ ;  $t$  is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$  = Guaranteed gross premium per thousand of face amount for year  $t$  of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$$R_t = \frac{q_{x+k+t}}{R_t}$$

However,  $R_t$  may be increased or decreased by one

$q_{x+k+t-1}$  percent in any policy year, at the company's option,

but  $R_t$  shall not be less than one;

where:

$x$ ,  $k$  and  $t$  are as defined above, and

$q_{x+k+t-1}$  = valuation mortality rate for deficiency reserves in policy year  $k+t$  but using the mortality of Section 5B(2) if Section 5B(3) is elected for deficiency reserves.

However, if  $GP_{x+k+t}$  is greater than 0 and  $GP_{x+k+t-1}$  is equal to 0,  $G_t$  shall be deemed to be 1000. If  $GP_{x+k+t}$  and  $GP_{x+k+t-1}$  are both equal to 0,  $G_t$  shall be deemed to be 0.

(c) "Deficiency reserves" means the excess, if greater than zero, of:

1. Minimum reserves calculated in accordance with Section 625.121(11), Florida Statutes, over.

2. Basic reserves.

(d) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

(e) "Maximum valuation interest rates" means the interest rates defined in Section 625.121(6), Florida Statutes, (Computation of Minimum Standard by Calendar Year of Issue) that are to be used in determining the minimum standard for the valuation of life insurance policies.

(f) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without 10-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

(g) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in subparagraph (7)(a)3., if any, or else the minimum premium described in subparagraph (7)(a)4.

(h)1. "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

a. The present value of the death benefits within the segment, plus.

b. The present value of any unusual guaranteed cash value (see paragraph (6)(d)) occurring at the end of the segment, less.

c. Any unusual guaranteed cash value occurring at the start of the segment, plus.

d. For the first segment only, the excess of the Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for in the first segment after the first policy year; divided by the present value at the date of issue of an annuity of 1 per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The length of each segment is determined by the "contract segmentation method," as defined in this rule.

3. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

4. For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

a. The segmentation requirement shall not be limited to plans with no cash surrender values; otherwise companies could avoid segmentation entirely by designing policies with minimal (positive) cash values.

b. Segmentation for plans with cash surrender values shall be based solely upon gross premium levels.

c. Basing segmentation upon the level of cash surrender values introduces complications because of the inter-relationship between minimum cash surrender values and gross premium patterns.

d. The requirements of this rule relating to reserves for plans with unusual cash values and to reserves if cash values exceed calculated reserves serve to link required reserves and cash surrender values.

e. The calculation of segmented reserves shall not be linked to the occurrence of a positive unitary terminal reserve at the end of a segment.

f. The requirement of this rule to hold the greater of the segmented reserve or the unitary reserve eliminates the need for any linkage.

(i) “Tabular cost of insurance” means the net single premium at the beginning of a policy year for 1 year term insurance in the amount of the guaranteed death benefit in that policy year.

(j) “Ten-year select factors” means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

(k)1. “Unitary reserves” means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

a. Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

b. Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that at issue the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age 1 year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(1) “Universal life insurance policy” means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

(5) General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

(a) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or

2. The select mortality factors in the Appendix.

(b) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve.

1. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums.

2. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

2. The select mortality factors in the Appendix of this rule;

3. For durations in the first segment, X percent of the select mortality factors in the Appendix, subject to the following:

a. X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

b. X shall not be less than 20 percent;

c. X shall not decrease in any successive policy years;

d. X is such that, when using the valuation interest rate used for basic reserves, Item (I) is greater than or equal to Item (II);

(I) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;



(II) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date:

e. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date;

f. The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of subparagraph (b)3.;

g. The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of subparagraph (b)3.; and

h. The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

i. If X is less than 100 percent at any duration for any policy, the following requirements shall be met:

(I) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of Rule Chapter 4-138, F.A.C.; and

(II) The appointed actuary shall annually opine for all policies subject to this rule as to whether the mortality rates resulting from the application of X meet the requirements of subparagraph (b)3.

(A) The opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries.

(B) The X factors shall reflect anticipated future mortality without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(c) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

(d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium, but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums even if not included in the actual calculation of basic reserves.

(e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than 1 year after the date of the change shall be the greatest of the following:

1. Reserves calculated ignoring the guarantee;

2. Reserves assuming the guarantee was made at issue; and

3. Reserves assuming that the policy was issued on the date of the guarantee.

(f) The company shall document the extent of the adequacy of reserves for material blocks, including policies issued prior to the effective date of this rule. The documentation shall include:

1. A demonstration of the extent to which aggregation with immaterial blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of Chapter 4-138, F.A.C.; and

2. A definition of material.

(6) Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies).

(a) Basic Reserves. Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer in calculating segmented reserves and net premiums either of the adjustments described in subparagraph 1. or 2. below may be made:

1. Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

2. Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Deficiency Reserves.

1. The deficiency reserve at any duration shall be calculated:

a. On a unitary basis if the corresponding basic reserve determined by paragraph (a) is unitary;

b. On a segmented basis if the corresponding basic reserve determined by paragraph (a) is segmented; or

c. On the segmented basis if the corresponding basic reserve determined by paragraph (a) is equal to both the segmented reserve and the unitary reserve.

2. This subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of in paragraph (5)(b) and rate of interest.

3. Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in paragraph (5)(b).

4. For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(c) Minimum Value.

1. Basic reserves shall not be less than the tabular cost of insurance for the balance of the policy year if mean reserves are used.

2. Basic reserves shall not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used.

3. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves.

4. However, if select mortality factors are used, they shall be the 10 year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law.

5. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(d) Unusual Pattern of Guaranteed Cash Surrender Values.

1. For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

2. The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where,

a. n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(I) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(II) The mandatory expiration date of the policy; and

b. The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

c. The net to gross ratio is equal to Item I divided by Item II as follows:

(I)(A) The present value at the beginning of the n year period of death benefits payable during the n year period, plus.

(B) The present value at the beginning of the n year period of the next unusual guaranteed cash surrender value, if any, minus.

(C) The amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n year period.

(II) The present value at the beginning of the n year period of the scheduled gross premiums payable during the n year period.

3. For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

a. 110 percent of the scheduled gross premium for that year;

b. 110 percent of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

c. 5 percent of the first policy year surrender charge, if any.

(e) Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with paragraph (a) above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without 10 year select mortality factors.

5. A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

6. If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (6)(c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values at the date of valuation of the excesses determined in accordance with sub-subparagraph a. above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors.

5. A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

a. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

b. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance, and attained age.

6. For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

a. The initial period is constant for all insureds of the same sex, risk class, and plan of insurance; or

b. The initial period runs to a common attained age for all insureds of the same sex, risk class, and plan of insurance; and

c. After the initial period of coverage, the policy meets the conditions of subparagraph 5. above.

7. If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this rule.

(g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

1. The policy consists of a series of n-year periods including the first period and all renewal periods where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age; provided that:

a. This final renewal period is less than 10 years and less than twice the size of the earlier n-year periods, and

b. For each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

2. The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10 year select mortality factors; and

3. There are no cash surrender values in any policy year.

(h) Exemption from Unitary Reserves for Certain Juvenile Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

1. At issue, the insured is age 24 or younger;

2. Until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

3. After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

(7) Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies that Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.

(a) General.

1. Policies with a secondary guarantee include:

a. A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

b. A policy in which the minimum premium at any duration is less than the corresponding 1 year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors; or

c. A policy with any combination of subparagraph a. and b.

2. A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee.

a. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees.

b. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue.

c. Reserves described in paragraphs (b) and (c) below shall be recalculated from issue to reflect these changes.

3. Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

4.a. For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year.

b. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads, and expense charges) and the interest crediting rate which are all guaranteed at issue.

5.a. The 1 year valuation premium means the net 1 year premium based upon the original schedule of benefits for a given policy year.

b. The 1 year valuation premiums for all policy years are calculated at issue.

c. The select mortality factors defined in subparagraphs (5)(b)2., 3., and 4. shall not be used to calculate the 1 year valuation premiums.

6. The 1 year valuation premium shall reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) Basic Reserves for the Secondary Guarantees.

1. Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period.

2. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

3. The segments will be determined according to the contract segmentation method as defined in paragraph (4)(b).

(c) Deficiency Reserves for the Secondary Guarantees. Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in paragraph (6)(b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) Minimum Reserves. The minimum reserves during the secondary guarantee period are the greater of:

1. The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

2. The minimum reserves required by Rule 4-164.010, F.A.C., governing universal life plans.

(9) Effective Date.

(a) This rule shall be effective for policies issued on or after January 1, 2000 for valuation dates on or after the date this rule is adopted.

(b) For valuation dates prior to the effective date of this rule, at the option of the company, the company may report reserves for policies issues in calendar year 2000 based upon this rule.

Specific Authority 624.308(1), 625.121(5)(j) FS. Law Implemented 624.307(1), 625.12(5)(j) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

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

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

RULE TITLE: Statement of Objectives

RULE NO.: 4L-24.0221

PURPOSE, EFFECT AND SUMMARY: Rule 4L-24.0221, F.A.C., is being repealed because it provides a mechanism to waive collection of a penalty and specific statutory authority for a waiver that does not appear to exist.

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: 440.13(11)(b), 440.20(15)(f), 440.591 FS.

LAW IMPLEMENTED: 440.20 FS.

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

TIME AND DATE: 9:30 a.m., Monday, September 15, 2003

PLACE: 104J Hartman Bldg., 2012 Capital Circle, Southeast, Tallahassee, Florida



~~(6)(5)~~ DAY-USE AREA: An established area designated for daytime public recreational activities during daylight hours only.

~~(7)(6)~~ DEPARTMENT: The Florida Department of Agriculture and Consumer Services.

~~(8)(7)~~ DESIGNATED ROAD: Any land surface area, paved or unpaved, named or numbered, open to the public operating non-motorized or motor vehicles. All other traffic ways are designated as trails.

~~(9)~~ DIVISION: Division of Forestry.

~~(10)~~ GROUP CAMP: A designated primitive camping area designed to accommodate organized groups for overnight visits. Group camp area use requires a State Forest Use Permit.

~~(11)(8)~~ HIKING TRAIL: A designated trail on which only pedestrian traffic is allowed.

~~(12)(9)~~ HORSE: Any member of the equine family.

~~(13)(40)~~ HORSE TRAIL: A designated trail on which horse or pedestrian traffic is allowed.

~~(14)(11)~~ HUNT CAMP: An area consisting of designated primitive campsites that require a Hunt Camp Permit for the entire length of a specific hunt (e.g. Archery, General Gun, Small Game or Spring Turkey) and is available only to ~~for~~ camping by properly licensed hunters.

~~(15)(12)~~ MANAGED LAND(S): Any land, water body, or facility managed, controlled, or occupied by the Department of Agriculture and Consumer Services, Division of Forestry.

~~(13)~~ MOTORIZED CYCLE: Any motoreycle, all terrain vehicle or moped.

~~(16)~~ MOTOR VEHICLE: An automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon track, bicycles, or mopeds.

~~(17)~~ MULTI-USE TRAIL: A non-motorized trail shared by more than one user group.

~~(18)(14)~~ NATURE TRAIL: A hiking trail to be used for environmental or forest education.

~~(15)~~ ORGANIZED GROUP: Any organization or collection of persons using managed lands for the same purpose in an organized or communal fashion.

~~(16)~~ PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

~~(17)~~ PET: Any domesticated animal, fowl, reptile or other living thing, except seeing eye or hearing ear dogs, which is maintained as a household or family pet.

~~(18)~~ RECREATIONAL VEHICLE: A motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.

~~(19)~~ SWIMMING AREA: Any area designated for swimming.

~~(19)(20)~~ NON-MOTORIZED VEHICLE: Any non-motorized wheeled conveyance, except a baby carriage or invalid wheelchair, intended for the transportation of persons or materials, whether ~~motorized,~~ human-powered, drawn or towed.

~~(20)~~ OFF-HIGHWAY MOTORCYCLE (OHM) – Any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

~~(21)~~ OFF-HIGHWAY VEHICLE – Any ATV or OHM that is used off the roads or highways of this state and is not registered and licensed for highway use under Chapter 320, F.S.

~~(22)~~ ORGANIZED GROUP: Any organization or collection of persons using Division managed lands for the same purpose in an organized or communal fashion.

~~(23)~~ PRIMITIVE CAMPS: Overnight areas that have limited facilities, such as site pads, tables, standing or ground grills, and sometimes non-flush toilets.

~~(24)~~ PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

~~(25)~~ PET: Any domesticated animal, fowl, reptile or other living thing, except seeing-eye or hearing-ear dogs, which is maintained as a household or family pet.

~~(26)~~ RECREATIONAL VEHICLE: A motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.

~~(27)~~ SWIMMING AREA: Any area designated for swimming.

~~(28)(21)~~ WATERCRAFT: Any motorized, paddle-propelled or wind-driven means of water-related transportation.

~~(29)(22)~~ YOUTH GROUP: Any organized group of seven or more youths (under the age of 18) who are affiliated with a recognized not-for-profit organization, accompanied by one or more adult (18 years or older) chaperone(s).

Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(4), 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

## 5I-4.003 Vehicular, Animal and Pedestrian Control.

(1) All traffic laws of the State are applicable to managed lands except designated OHV recreation areas or as otherwise provided by these rules.

(2) No person shall operate any motor vehicle on managed lands controlled by the Division Department at a speed greater than 30 M.P.H., unless otherwise posted.

(3) through (4) No change.

(5) No person shall operate any motor vehicle on managed lands except on designated roads, parking areas, or other areas established and specifically identified by the Division Department.

(6) No person shall operate any off-highway a vehicle on managed lands except in areas designated specifically for their use or unless specifically authorized by the Division, with the exception of areas set aside and marked for use by recreational type vehicles, unless the vehicle displays a valid license tag and is operated by a properly licensed driver.

(7) No person shall operate a motor vehicle on managed lands unless the vehicle displays a valid license tag and is operated by a properly licensed driver.

~~(8)(7) No motor vehicles are permitted. No person shall operate a motorized cycle, or dune buggy on any portion of the Citrus Tract of the Withlacoochee State Forest or on any sand bar along or within the streams of any managed lands the Blackwater River State Forest, or on any other area specifically prohibited by the Division Department.~~

~~(8) Except for that portion of the Croom Tract of the Withlacoochee State Forest marked and designated as the Croom Motoreycle Area, no person shall operate a motorized cycle on any portion of the Croom Tract of the Withlacoochee State Forest during the times established for the muzzle loading gun hunt, the general gun hunt, and the small game hunt.~~

(9) No person shall operate or ride an off-highway vehicle motorized cycle, and no person under 16 years of age shall operate or ride upon a moped, on managed lands unless such person is wearing protective headgear and adheres to the other operating provisions of Sections 316.211, 316.2074 and 316.2085, Florida Statutes.

(10) No person shall leave an unattended vehicle on any designated road or trail in such a manner as to obstruct traffic.

~~(11)(10) No person shall bring horses or horse trailers into camping facilities, except upon showing that special request has been made to, and permission granted by the Division Department. The Division may grant permission upon a determination that there is no threat to public the health safety, or to the condition and welfare of the camping facilities and that the horses and horse trailers do not constitute a nuisance, as defined herein.~~

~~(12)(11) No person shall ride or lead horses off designated roads, horse trails or field trial runs, except upon showing that special request has been made to, and permission granted by,~~

~~the Division Department. The Division may grant permission upon a determination that there is no threat to public the health, safety or to the condition, and welfare of these particular areas and those acts do not constitute a nuisance, as defined herein.~~

~~(13)(12) No person shall ride horses before sunrise or after sunset on designated horse trails that are located on designated roads.~~

~~(13) No person shall have horses on the Croom Tract during the times established for the muzzle loading gun hunt and the general gun hunt.~~

(14) No person shall stage, ride or lead bring any horse onto managed lands except on a designated trail or at a designated trailhead or designated access points. No person shall bring any horse onto managed lands without having in their possession a producing record of a current negative Coggins test for Equine Infectious Anemia as required by Rule 5C-18.010, Florida Administrative Code.

(15) Hiking trails and nature trails are for foot traffic only unless the trails follow designated roads or are part of trails designated for mutli-use horse or hiking trail.

(16) Unless otherwise posted, designated roads and trails are open year round. No person shall leave an unattended vehicle on any designated road or trail in such a manner as to obstruct traffic.

(17) The Division may temporarily or permanently close any road, trail, facility, or area, or restrict the use thereof upon determination that there is a danger to the health, safety and welfare of any person; potential damage to the resources; or when it is determined necessary in the proper management of the forest.

Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

## 5I-4.005 Protection of Managed Lands.

No person shall:

(1) Enter or exit any managed lands except through designated entrance/exit points.

(2) No person may enter any managed lands for the purpose of using the resources or facilities therein without paying the appropriate fee, where applicable.

~~(3)(1) Willfully mark, deface, damage, displace, remove or tamper with any buildings, facilities, bridges, tables, benches, fireplaces, railings, fences, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers, equipment, other structures or property located on managed lands.~~

~~(4)(2) Climb on or over any buildings, fences, facilities, structures, or historic ruins.~~



(5)(3) Ignite or attempt to ignite any fire on managed lands except in designated areas. These areas include ~~in~~ camping facilities, hunt camps and day use areas. No ~~no~~ person shall leave a camping facility, hunt camp or day use area without completely extinguishing any fire started by said person.

(6)(4) Dispose of burning matches, smoking materials or other inflammable items on managed lands except in designated receptacles.

(7)(5) Destroy, injure, deface, mar, move, dig, harmfully disturb or remove ~~from any managed lands~~ any soil, sand, gravel, rocks, stones, minerals, trees, plants, artifacts or other materials from any managed lands.

(8)(6) Attach swings, rope, wire, signs, nails or other contrivance, whether permanent or temporary, to any tree, plant, other natural feature, or property within managed lands.

(9)(7) Cut, carve, mark, uproot, damage, break off limbs or branches, destroy or mutilate, or pick the flowers or seeds of any living or dead plant or tree.

(10)(8) Pick up or remove dead wood from managed lands without a permit, except for collecting firewood to be burned in a designated area in a campground or camp zone.

(11)(9) Dig in or disturb the natural condition of any area on managed lands.

(12)(10) Remove any plant life from any managed lands without a permit.

(13)(11) Hang any operating gas lantern within one foot of the main stem or bole of any tree on managed lands.

(14)(12) Introduce into managed lands any plant or animal species.

(15)(13) Engage in any construction activity on managed lands, except as provided herein.

(16)(14) Operate a commercial enterprise on managed lands, without obtaining written authorization and paying the required fee(s).

(17)(15) Possess or consume alcoholic beverages on managed lands where ~~designated or~~ posted as prohibited by the Division Department.

(18)(16) Use metal detectors on managed lands.

(19)(17) Engage in disorderly conduct, as defined in 877.03, F.S., or create a public nuisance or disturbance on managed lands.

(20) Leave any item, including but not limited to tents, trailers, vehicles, motorcycles, or other items, in a campsite unattended before or after the registered camping dates on a Division of Forestry Registration/Receipt, self-service pay envelope, or State Forest Use Permit. Unattended items found in an unregistered campsite shall be duly posted to be removed within 48 hours with the owner paying the scheduled fee for each night the item(s) remained at the site. In addition, after the item(s) have been duly posted for removal within 48 hours, such item(s) may be removed at the last known owner's expense.

(21) Any lost or abandoned property on managed lands will be disposed of in accordance with Chapter 705, F.S.

Specific Authority 589.011(4) FS. Law Implemented 589.011(4) FS. History--New 5-24-92, Amended 1-19-95, 5-15-95, 11-6-95, \_\_\_\_\_.

5I-4.006 Recreational Activities and Facilities.

(1) No change.

(a) All persons shall comply with hours posted by the Division Department during which use of swimming areas is prohibited.

(b) Swimming areas will be closed to the public, and the use thereof prohibited, at any time the Division Department determines that such activities are dangerous or otherwise inadvisable.

(c) The washing of persons or objects, with or without soaps or other cleansers, is prohibited in any waters within managed lands swimming areas.

(d) No change.

(e) Swimming will be prohibited in ~~on~~ any water body, or portion thereof, on managed lands at any time the Division Department determines there is a threat from a consideration of all surrounding circumstances that conditions exist which may constitute a danger to the life, limb, or property of any human being or damage to any natural or cultural resource.

(2) Boating:

(a) Boating is allowed on any water body ~~of~~ within managed lands unless the water body is posted otherwise. Posting may include restrictions on the use and the type of watercraft propulsion system allowed.

(b) No change.

(3) Fishing:

(a) Fishing by any legal method is allowed in water bodies on managed lands, except where prohibited by the Division Department. Applicable rules of the Florida Fish and Wildlife Conservation Game and Fresh Water Commission apply.

(b) No change.

(4) Camping and Day-Use:

(a) A limited number of camping facilities and day-use areas on managed lands may be reserved in advance. NOTE: Contact the local Division of Forestry office for availability.

(b) No change.

(c) Camping within managed lands, except in designated hunt camps, is limited to 14 consecutive days during any 30-day period.

(d) No change.

(e) Except upon special authorization by the Division Department and upon the Division's Department's determination that there will be no danger to the health, safety, and welfare of the campgrounds, no more than five persons, with a maximum number of one recreational vehicle camper unit or two tents, are allowed per campsite.



(f) Visitors of registered campers in developed campgrounds are allowed in camping facilities, provided the total number of visitors or their vehicles do not create a nuisance or hazard to other campers, ~~or~~ interfere or obstruct pedestrian or vehicular traffic, or interfere with other proper uses of the camping facility.

(g) No pet is allowed on managed lands unless the pet is confined or restrained on a leash no more than ten feet in length. NOTE: Certain portions of managed lands may be posted prohibiting managed lands are closed to pets. Owners should inquire at the local Division of Forestry office.

(h) Firearms are prohibited on managed lands except during scheduled in camping facilities and day-use areas with the exception of the hunting season or in designated areas. No ~~no~~ loaded firearm is allowed in a camping area, facility or day-use area, anytime during this period.

(i) through (k) No change.

(l) No person shall remain in any day-use facility after its designated closing time, except with a State Forest Use Permit.

~~(m)~~ Unless the area is otherwise posted, ~~no person shall occupy a day-use area from sundown to sunrise.~~

~~(m)(n)~~ Quiet time is 10 p.m. until sunrise.

~~(n)(o)~~ The Division Department reserves the right to set carrying capacities on lands managed by the Division Department in order to protect the natural resources.

~~(o)(p)~~ Organized groups must notify the Division Department, request reservations from the Department Division, and have written authorization from the Division Department to use managed lands. NOTE: ~~Requests for authorization should be made to the local Division of Forestry office.~~

(5) Hunt Camps:

(a) The maximum number of persons allowed in an authorized hunt campsite shall be predetermined based on the size and location of the site and posted whether licensed hunters or not, is twenty-five persons, except at the Citrus and Croom Hunt Camps where the maximum number of persons allowed per campsite is fifteen.

(b) If all hunt camp sites are occupied, then the Division may assign hunters to non-hunt campsites. When overnight campsites are available, No no more than five persons will be are allowed per campsite and the normal non-hunt campsite scheduled fee for the campsite shall be charged.

(c) Temporary Semi-permanent structures may be erected in hunt camps on managed lands. Any such structure must be removed no later than six days after the end of the hunting season for which the hunt campsite authorization is issued. Persons that do not remove camping equipment, trailers or temporary structures by this ending date may be charged the current primitive camp site rate per day until its removal.

(d) through (e) No change.

(f) Hunt camp permits shall be issued on a renewal basis, first come, first serve basis or through a lottery system. Specific written procedures for the issuance of hunt camp permits will be developed in accordance with the best management technique for each state forest that provides hunt camps.

(6) Croom Motorcycle Area:

(a) Firearms are prohibited within the boundaries of the Croom Motorcycle Area.

(b) No person shall operate an off-highway vehicle a motorized cycle inside the boundaries of the Croom Motorcycle Area unless the vehicle visibly displays a valid, permanently attached, motorcycle decal issued by the Division Department. ~~Decals are available at the Croom Motorcycle Area within the Withlacoochee State Forest.~~

(c) No person shall operate an off-highway vehicle a motorized cycle within the Croom Motorcycle Area between sunset and sunrise.

(d) All persons operating off-highway vehicles on managed lands do so at their own risk and must comply with all established rules. No person shall operate a motorized cycle within the Croom Motorcycle Area without subscribing to the traffic flow and the established age restrictions for specific areas as designated by the Department.

(e) No person shall operate an off-highway vehicle motorized cycle within the Croom Motorcycle Area unless such vehicle cycle has a muffler system conforming to the requirements of the Florida Highway Patrol Handbook.

(f) No person shall operate a motorized cycle faster than ten (10) three (3) miles per hour inside the Croom Motorcycle Area camping facility and day-use parking areas.

(g) through (h) No change.

(7) Bicycles:

No person shall operate a bicycle on managed lands except on designated roads, bicycle trails or designated multi-use trails within areas specifically designated by the Department.

Specific Authority 589.011(4), 589.071, 599.12 FS. Law Implemented 589.071 FS. History--New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

5I-4.007 Garbage, Water Pollution and Glass Containers.

(1) through (2) No change.

(3) No person shall dispose of garbage or trash in state dumping facilities or containers on managed lands other than that generated from recreational activities on managed lands. If such dumping facilities or containers are not available, persons responsible for the generation of garbage or trash shall remove it from managed lands.

~~(4) Garbage and trash generated from activities on managed lands shall be placed in designated containers. If such containers are not available, persons responsible for the generation of garbage or trash shall remove it from managed lands.~~

~~(4)(5)~~ No person shall throw, discharge or otherwise place or cause to be placed in any water body on managed lands any substance, matter or thing, liquid or solid, which will or may pollute the waters.

~~(5)(6)~~ Glass containers are prohibited in and around all waterways within the boundaries of managed lands and on any other area specified by the Division ~~Department~~.

Specific Authority 589.011(4), 589.12 FS. Law Implemented 589.011(1),(4) FS. History--New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

5I-4.008 Vendors; Authorizations; Fees.

(1) Any vendor desiring to rent horses, canoes, bicycles, or other animals or equipment, to any person for use on managed lands is required to secure a permit and pay any applicable fees to an authorization from the Division ~~Department~~. Permits will be issued on a first come, first served basis. Vendors shall provide all customers with a copy of applicable rules and general information governing use of the forest. For further information, contact the Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(2) ~~Permits Authorizations~~ may be purchased at any time during the year but each will expire on June 30th unless otherwise established and noted by the Division ~~Department~~. There will be no fee proration for purchases made subsequent to the July 1st commencement of the State of Florida's ~~Department's~~ fiscal year.

Specific Authority 589.011(4) FS. Law Implemented 589.011(1),(3) FS. History--New 5-24-92, Amended 11-6-95, \_\_\_\_\_.

5I-4.011 Penalties for Violations.

Section 589.011(4), Florida Statutes, provides that the Division of Forestry (~~Department~~) on behalf of the state may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the Division for management purposes. Any person violating or otherwise failing to comply with any of the provisions of Section 589.011(4) or Section 589.071, Florida Statutes, or rules adopted pursuant to Section 589.011(4), Florida Statutes, is guilty of a non-criminal violation as defined in Section 775.08(3), Florida Statutes, punishable only by fine not to exceed \$500.00.

Specific Authority 589.071 FS. Law Implemented 589.071 FS. History--New 5-24-92, Amended 1-19-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John C. Waldron, Forest Recreation Coordinator, 3125 Conner Blvd., Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Core, Chief, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule

RULE CHAPTER NO.: 9G-19

RULE TITLES:	RULE NOS.:
Procedures for Awarding Competitive Grants	9G-19.008
Selection Criteria for Competitive Grants	9G-19.009
Disbursement	9G-19.010

PURPOSE, EFFECT AND SUMMARY: Implementation of the proper revisions and changes that are needed to identify and clarify rule language in areas of concern from past Base Grant and Competitive Grant programs. These changes will simplify existing language that will make the grant process easier for all parties involved.

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: 252.35, 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.35, 252.373, 252.38 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: 8:30 a.m. – 10:30 a.m., September 15, 2003

PLACE: Director's Conference Room, Room 120L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact the Administrative Secretary, Division of Emergency Management, Bureau of Compliance Planning, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399 or (850)413-9821, Suncom 293-9821, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. ~~008 007, June 2002~~ July 2003 version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) No change.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. ~~008 007, June 2002~~ July 2003 version.

(b) through (e) No change.

(6) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.009 Selection Criteria for Competitive Grants.

(1) No change.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and arrive at preliminary scores and rankings. Preliminary scores and rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 days of the application deadline date, ~~post transmit~~ post preliminary scores and rankings on the Division of Emergency Management website, www.floridadisaster.org ~~to all Applicants~~, along with any administrative proceeding rights. Upon determination, final scores and rankings will shall be posted on the Division of Emergency Management website, www.floridadisaster.org ~~transmitted to all Applicants in writing~~. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible applicaitons have been funded, or insufficient funds remain to fund an eligible project. The Department may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program within the specified

time, then the funds offered shall revert to the Trust Fund. In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections 9G-19.006(1)-(3), F.A.C.

(3) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 285.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.010 Disbursement.

(1) through (5) No change.

(6) Upon Written request and accompanying documentation detailing exceptional circumstances justifying the need, and at the discretion of ~~notification to~~ the Division, not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.

(7) through (11) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debbie Wonsch, Planning Manager, Finance and Logistics Section, Division of Emergency Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suzanne Adams, Community Program Administrator, Finance and Logistics Section, Division of Emergency Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 CORRECTIONS**

RULE TITLE: Inmate Trust Fund

RULE NO.: 33-203.201

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUMMARY: The proposed rule removes reference to the Inmate Welfare Trust Fund and replaces it with the General Revenue Fund.

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: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (e) No change.

(f) Interest earned on these investments and on the central Inmate Trust Public Funds Interest Checking Account or any local accounts shall be deposited to the General Revenue Inmate Welfare Trust Fund to be expended for the benefit of the inmate population in general.

(2) through (12) No change.

Specific Authority 944.09, 944.516, 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rhonda Vause

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Mental Health Services – Definitions	33-404.103
Operation, Administration and Designation of Mental Health Treatment Facilities	33-404.201
Mental Health Treatment Facilities – Definitions	33-404.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to designate mental health treatment facilities at additional institutions in accordance with Section 945.42, F.S.

SUMMARY: Mental health treatment facilities for inmates are designated at Union Correctional Institution, Lake Correctional Institution, Zephyrhills Correctional Institution, South Florida Reception Center, Dade Correctional Institution, Broward Correctional Institution, and Lowell Correctional Institution.

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: 944.09, 945.081, 945.42, 945.49 FS.

LAW IMPLEMENTED: 944.09, 945.081, 945.41, 945.42, 945.49 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 RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-404.103 Mental Health Services – Definitions.

(1) through (7) No change.

(8) “Mental Health Treatment Facility” means the Corrections Mental Health Institution and any other institution that an in-patient facility, as defined by sections 33-404.201-404.210, Florida Administrative Code, for the treatment of inmates with a diagnosed mental illness that the Assistant Secretary for Health Services of the Department specifically designates by Rule 33-404.201, F.A.C. to provide acute psychiatric care at the hospital level, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care. ~~The secretary has designated the Corrections Mental Health Institution as the mental health treatment facility.~~

(9) through (14) No change.

Specific Authority 944.09, 945.42 945.49 FS. Law Implemented 944.09, 945.42, 945.49 FS. History--New 5-27-97, Formerly 33-40.003, Amended

33-404.201 Operation, Administration, and Designation of Mental Health Treatment Facilities.

(1) The Department is responsible for the operation and administration of the Corrections Mental Health Institution which was established to provide for the treatment of inmates who have a mental illness requiring intensive psychiatric

inpatient treatment at the hospital level. Since the Corrections Mental Health Institution may house both male and female inmates, security procedures shall be implemented governing inmate movement and control to prevent the co-mingling of male and female inmates.

(2) The ~~Secretary or~~ Assistant Secretary for Health Services ~~has may~~ also designated ~~other institutions to serve as~~ mental health treatment facilities at the following institutions:

- (a) Union Correctional Institution;
- (b) Lake Correctional Institution;
- (c) Zephyrhills Correctional Institution;
- (d) South Florida Reception Center;
- (e) Dade Correctional Institution;
- (f) Broward Correctional Institution; and
- (g) Lowell Correctional Institution.

(3) The rules of the Department of Corrections shall be applicable to all Corrections Mental Health Treatment Facilities established by the department, except as modified by this chapter.

Specific Authority 944.09, 945.081, 945.42, 945.49 FS. Law Implemented 944.09, 945.081, 945.41, 945.42, 945.49 FS. History--New 11-3-85, Formerly 33-23.01, Amended 10-9-96, Formerly 33-23.001, Amended \_\_\_\_\_.

33-404.202 Mental Health Treatment Facilities – Definitions.

For purposes of this rule, the following additional definitions shall apply:

(1) “Mental Health Treatment Facility,” Pursuant to s. 945.42(7), F.S., means the ~~Assistant Secretary for Health Services has designated~~ the Corrections Mental Health Institution and any other institution that the Assistant Secretary for Health Services of the department specifically designates by Rule 33-404.201, F.A.C., to provide acute psychiatric care at the hospital level for inmates requiring intensive psychiatric inpatient care and treatment, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care.

(2) through (8) No change.

Specific Authority 944.09, 945.42, 945.49 FS. Law Implemented 20.315, 944.09, 945.42, 945.49 FS. History--New 11-3-85, Formerly 33-23.03, Amended 10-9-96, 3-24-97, 8-13-97, Formerly 33-23.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patrick Brown

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE TITLE: Grants Program  
RULE NO.: 41-2.014

PURPOSE AND EFFECT: The Commission proposes the rule amendments to provide for flexibility in the grant process.

SUMMARY: The proposed rule amendments update the amount of grant funds and the allocation of grant funds at the local level.

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: 427.013(9) FS.

LAW IMPLEMENTED: 427.013, 427.0159, 427.016 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: John Stanley, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.014 Grants Program.

(1) No change.

(2) Types of Grants.

(a) No change.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in Chapter 427, Florida Statutes, including support to the local Coordinating Board ~~and capital equipment limited to no more than 15% of the Commission participation.~~

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources, ~~except voluntary dollar collections.~~ Voluntary dollar collections do not require a match will be matched with in-kind sources.

(4) Distribution of Grant Funds. On or about December 15 of each year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of ~~\$1,372,060~~ \$1,331,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level. Beginning with the 2002/

2003 grant cycle, the annual cap will be adjusted by the same percentage increase equivalent to state employees as set by the Legislature.

(b) through (c) No change.

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible applicant's allocation will be determined for the county or counties within the designated service area for which the applicant provides coordinated transportation disadvantaged services.

(a) In order to maintain system and service stability, the Commission's Fiscal Year 99/00 ~~93/94~~ Allocation of Trip and Equipment Grant Funds, dated February, 2000 ~~12/93~~, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year 99/00 ~~93/94~~ levels allocated to the trip and equipment grant related program.

(b) If the level of funding available for distribution to the trip and equipment grant program falls below the base as stated in paragraph 41-2.014(5)(a), F.A.C., a proportionate adjustment to the base allocation will be made. Such adjustment will be based on the five year cash-flow forecast of the Commission, and each county's share of the Fiscal Year 99/00 ~~93/94~~ trip and equipment related grant allocation.

(c) through (e) No change.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) No change.

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties ~~coordinating boards~~ throughout the state, with each planning agency receiving no more than one share for each county ~~coordinating board~~ within its jurisdiction. Eligible applicants not requiring the total amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) though (8) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History--New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for the Transportation Disadvantaged

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantaged

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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**

**Board of Chiropractic Medicine**

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to correct clerical errors and update the rule text.

SUMMARY: The Board is correcting clerical errors and referencing all degrees and initials instead of just those belonging to two doctoral level professions. The Board is also requiring that a degree holder be licensed in Florida before advertising other professional academic achievements.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) It is the policy of the Board of ~~Chiropractic~~ that advertising by licensed practitioners of the profession of chiropractic in this State should be regulated so as to effectuate the duty of the State of Florida to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such practitioners or to the public by the Constitution of the United States and the State of Florida, as construed by the United States Supreme Court and the Florida Supreme Court. To that end, the Board permits the dissemination to the public of legitimate information, in

accordance with the Board's rules, regarding the art and science of Chiropractic and where and from whom chiropractic services may be obtained, so long as such information is in no way fraudulent, false, deceptive, or misleading.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation ~~misrepresentation~~ of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only partial disclosure of relevant facts. More specifically, the Board finds that it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised service to a third party payor for payment. The Board finds it misleading and deceptive to fail to include the fact that x-rays and/or video fluoroscopy will only be given if medically necessary in an advertisement for free x-rays and/or video fluoroscopy. For the purpose of this rule, a verbal announcement or a minimum of 15 second exposure of the disclaimer clause required by Chapter 456.062, F.S., is required for free services advertised on radio or television. The Board also finds that it is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. Referral services that operate on a national or statewide basis, and that have at least 50 participating members, do not have to specifically name each individual chiropractor participating in the service on their advertisements. Any advertisement generated by or on behalf of a chiropractor must disclose that it is generated by or on behalf of a chiropractor by including a reference to the chiropractor by name and degree.

(c) through (h) No change.

(i) Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the State of Florida or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 460, F.S. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a specialty area recognized by the Board of Chiropractic; or

(j) ~~Reserved.~~ (k) Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or

(~~l~~)<sup>(4)</sup> Contains any other representation, statement or claim which is misleading or deceptive; or

(~~l~~)<sup>(m)</sup> Contains a reference to any other an allopathic or osteopathic medical degree or uses the initials "M.D." or "D.O." or any other initials unless the chiropractic physician has actually received such a degree and is a licensed holder of such degree in the State of Florida. If the chiropractic physician is not licensed to practice allopathic or Osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a statement such as "Not licensed as a medical doctor in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:  
Citations 64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board determined that the licensee is responsible for confirming that a violation has been corrected and that a citation constitutes discipline.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.072(3), 456.073 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (5) No change.

(6) Prior to issuance of the citation, the licensee investigator must confirm that the violation has been corrected or is in the process of being corrected.

(7) Once the citation, which constitutes discipline, becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 64B2-16.003, F.A.C.

(8) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Requirements for Reactivation of an Inactive License 64B7-28.0042

PURPOSE AND EFFECT: To clarify the requirements of reactivating an inactive license.

SUMMARY: The Board has determined to amend this rule to ensure all inactive licensees are required to complete an education course relating to the prevention of medical errors before reactivation.

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: 456.034, 456.036(9), 480.035(7), 480.0425 FS.

LAW IMPLEMENTED: 456.034, 456.036(9),(10), 480.0425 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0042 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B7-27.011, F.A.C., and has complied with the following requirements:

(1) through (2) No change.

(3) The Department shall not reactivate the license of any massage therapist who has:

(a) No change.

(b) Failed to comply with the provisions of subsection 456.034, F.S., and subsection 64B7-28.001(2) and (3), F.A.C.

Specific Authority 456.034, 456.036(9), 480.035(7), 480.0425 FS. Law Implemented 456.034, 456.036(9),(10), 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0042, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Requirements for Board Approval of Continuing Education Programs 64B7-28.010

PURPOSE AND EFFECT: To delete the provision for form BMT5 and insert the provision for BMT6.

SUMMARY: The Board proposes to delete the reference to form BMT5 and replace it with BMT6 as the appropriate form for submitting an application for supplemental program approval by an approved provider.



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: 456.013(8), 456.025(7), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), 456.025(7), 480.0415 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) through (5) No change.

(6) A Board approved provider must submit a completed application for supplemental courses, form BMT6 ~~Form C, a part of the Massage Continuing Education Provider Application, BMT5~~, to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in this rule. Whenever an instructor and his/her course have obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of form # BMT6 forms for approval of a course.

(7) through (8) No change.

Specific Authority 456.013(8), 456.025(7), 480.035(7), 480.0415 FS. Law Implemented 456.013(8), 456.025(7), 480.0415 FS. History—New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B7-30.002
Citations	64B7-30.004
Notice of Noncompliance	64B7-30.006

PURPOSE AND EFFECT: To update and clarify disciplinary guidelines and to amend citations and notices of noncompliance.

SUMMARY: The Board proposes to update the existing rule language and delete obsolete text to Rule 64B7-30.002, F.A.C.; to set forth penalties for HIV/Aids continuing education requirements in the citations Rule 64B7-30.004, F.A.C.; and to make a first time violation of advertising eligible for a notice of non-compliance in Rule 64B7-30.006, 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: 120.695, 456.072(2),(3), 456.073(4), 456.077, 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.072(2), 456.073(3),(4), 456.077, 456.079(1),(3),(4), 480.046, 480.047 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 RULES IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection three (3) of this rule:

(a) through (j) No change.

(k) 480.046(1),(o) or 456.072(1),(cc) 480.046(1),(k) Unless an offense specifically set forth below, first offense: \$250 fine; subsequent offense: \$250 fine and probation.

1. No change.  
 2. Violation of a Board order entered in a previous disciplinary case \$1,000 fine and suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with previous final order.

3. through 12. renumbered 2. through 11. No change.  
12. Any violation of section 64B7-26.010, F.A.C. First offense: \$1000.00 fine and probation to \$2,500.00 fine and revocation. Second offense: \$5000.00 fine and revocation.

(l) through (u) No change.  
 (v) (L.) 456.072(1)(q) or 480.046 (1) (k) violating any Board or Department order Provision of Chapter 456 F.S. or failure to comply with a lawfully issued subpoena of the Department. First offense: \$250 fine and probation; Second offense: \$500 fine and probation; Third offense: \$1000.00 fine and suspension.

2. Violation of a Board order entered in a previous disciplinary case, including citation final orders. \$1000.00 fine and suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with the previous final order.

(w) 456.072(1)(u) engaging or attempting to engage a patient or client in verbal or physical sexual activity. Verbal first offense: \$1000 fine and probation; subsequent offense: verbal or physical, \$1000 fine and revocation. Physical: \$1000 fine and revocation.

(x) through (z) No change.  
 (2) through (8) No change.

Specific Authority 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.035(7) FS. Law Implemented 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00, 10-7-02,\_\_\_\_\_.

64B7-30.004 Citations.  
 (1) through (2) No change.  
 (3) The Board hereby designates the following as citation violations, which shall result in a penalty as specified below:  
 (a) through (k) No change.

(l) First time failure to comply with the HIV/ Aids continuing education requirements of section 456.034 Florida Statutes or the medical errors continuing education requirements of section 456.013(7), Florida Statutes shall result in a penalty of \$250.00 for each deficient course requirement, in addition to the requirement to make up the coursework within 90 days of the date the citation is filed.

Specific Authority 456.077 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00,\_\_\_\_\_.

64B7-30.006 Notice of Noncompliance.  
 Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) through (3) No change.  
 (4) Failure to include license number or numbers in any advertisement as required by Rule 64B7-33.001, F.A.C.

Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History--New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003

**DEPARTMENT OF HEALTH  
 Board of Medicine**

RULE TITLES: Application, Certification, Registration, and Licensure Fees  
 Renewal Fees  
 RULE NOS.: 64B8-3.002  
 64B8-3.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to restructure application fees for examination and endorsement physicians, resident physicians, interns, fellows, and medical faculty certificates. The amendments also increase renewal fees by 10%.

SUMMARY: The proposed rule amendments raise application fees for examination and endorsement physicians, resident physicians, interns, fellows, and medical faculty certificates. The amendments also increase renewal fees by 10%.

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: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 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 RULES IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) An application fee in the amount of \$210.00 for a person desiring to obtain the following:

~~(a) A medical faculty certificate, as provided in Section 458.3145, F.S.;~~

(b) through (e) renumbered (a) through (d) No change.

(2) No change.

(3) An application fee in the amount of ~~\$200.00~~ \$100.00 for a person desiring to obtain registration as a resident physician, assistant resident physician, ~~house physician~~, intern, or fellow, and an application fee in the amount of \$300.00 for a house physician, as provided in Section 458.345, F.S.

(4) The application fee for a person desiring to be licensed as a physician by endorsement, as provided in Section 458.313, F.S., shall be ~~\$500.00~~ \$460.00.

(5) The application fee for a person desiring to be licensed as a physician by examination, as provided in Sections 458.311, 458.3115 and 458.3124, F.S., shall be ~~\$500.00~~ \$460.00.

(6) The application fee for a medical faculty certificate, as provided in Section 458.3145, F.S., shall be \$500.

(6) through (8) renumbered (7) through (9) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85,

Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01.

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S.; for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be ~~\$385.00~~ \$424.00. However the following exceptions shall apply:

1. through 2. No change.

3. If the licensee is either a resident physician, assistant resident physician, fellow, or intern in an approved postgraduate training program, the biennial renewal fee shall be ~~\$200.00~~ \$220.00.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be ~~\$110.00~~ \$121.00.

(b) Biennial renewal fee for a person registered as a house physician pursuant to Section 458.345, F.S., shall be ~~\$200.00~~ \$220.00.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for the Use of Controlled Substances for the Treatment of Pain  
 RULE NO.: 64B8-9.013

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete an entity referenced in the rule which is no longer in existence.

SUMMARY: The proposed rule amendment removes an entity referenced in the rule which is no longer in existence.

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.326 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.013 Standards for the Use of Controlled Substances for the Treatment of Pain.

- (1) Pain Management Principles.
- (a) through (b) No change.

(c) The Board recognizes that controlled substances, including opioid analgesics, may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or non-cancer origins. ~~Physicians are referred to the U.S. Agency for Health Care Policy and Research Clinical Practice Guidelines for a sound approach to the management of acute and cancer-related pain.~~ The medical management of pain including intractable pain should be based on current knowledge and research and includes the use of both pharmacologic and non-pharmacologic modalities. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity and duration of the pain. Physicians should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not synonymous with addiction.

- (d) through (g) No change.
- (2) through (3) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.326, 458.331(1)(g),(t),(v) FS. History--New 12-21-99, Amended 11-10-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Provider Approval and Renewal Procedures  
 RULE NO.: 64B32-6.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: Instead of the information submitted for in-person programs, the Board is requiring from home study program providers, the goals of the program; the test; all materials; the curriculum vitae; security procedures; the certificate; and copyright clearance.

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

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

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) 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, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.005 Provider Approval and Renewal Procedures.

(1) through (4) No change.

(5) Every provider shall:

(a) through (d) No change.

~~(e) Shall provide the board with semi annual reports of all offerings provided for the previous six months.~~

(6) through (8) No change.

(9) The provider seeking approval for home study courses also shall understand and agree:

(a) through (b) No change.

(c) Instead of the information submitted for in-person programs, the provider shall submit the following for pre-approval:

1. A statement of the educational goals and objectives of the program, including the criteria for successful completion of the program and the number of correct answers required on the test by a participant to receive credit for having taken the program;

2. All materials to be read by the participant, and the testing questions to be answered for successful completion;

3. A current curriculum vitae of each person substantially involved in the preparation of the substance of the program;

4. The identification procedures for verification that the named licensee has taken the home study course;

5. A sample certificate of completion; and

6. If not completely original, references and permission for use or reprint of any copyrighted materials regardless of source.

(10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History--New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2003

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

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

##### Division of Library and Information Services

RULE NO.:                      RULE TITLE:  
1B-2.011                      Library Grant Programs

#### NOTICE OF CORRECTION

The Florida Department of State hereby publishes this Notice of Correction to the Notice of Proposed Rulemaking, Rule Number 1B-2.011, published in Vol. 29, No. 32, August 8, 2003 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking should have stated the following:

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 BY 5:00 P.M. (EST), FRIDAY, AUGUST 29, 2003, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m. (EST), Tuesday, September 2, 2003

#### DEPARTMENT OF STATE

##### Division of Cultural Affairs

RULE NO.:                      RULE TITLE:  
IT-1.001                      Division of Cultural Affairs

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(17) include:

The phrase "is authorized to" is changed to "will."

1. Clarification of the grant extension criteria in section 10 of the Grant Award Agreement.

2. Revisions to the Addendum to Contract mentioned in section 13 of the Grant Award Agreement. The revisions are:

#### MONITORING

1) The words "may include, but not be limited to" have been deleted. The single word "include" has been substituted.

2) The revised date on Federal OMB Circular A-133 is June 27, 2003. The Circular has been incorporated by reference.

3) The words "and/or other procedures" have been deleted.

#### AUDITS

1) In Part I: Federally Funded (paragraph 3.), the typographical error has been corrected and the word "and" has been changed to "an."

2) In Part II: State Funded (paragraph 1) has been revised.

3) In Part V: Record Retention, the words "unless extended in writing by the Department of State" have been deleted.

Specific Authority 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.701(4) FS. Law Implemented 215.97, 265.284, 265.286, 265.2861, 265.701, 286.011, 286.12, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Downey, Director of Division of Cultural Affairs

#### DEPARTMENT OF STATE

##### Division of Cultural Affairs

RULE NO.:                      RULE TITLE:  
IT-1.001                      Division of Cultural Affairs

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(20) include:

The phrase "is authorized to" is changed to "will."

1. A correction and addition to the Specific Authority section. Section 255.043(5) has been corrected to read 255.043(4), and 265.702(8) has been added.

2. An addition to the Law Implemented section. Section 265.702 has been added.