

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Scope and Applicability	4-149.002
Definitions	4-149.0025
Rate Filing Procedures	4-149.003
Experience Records	4-149.004
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum	4-149.006
Annual Rate Certification Filing Procedures	4-149.007
Form Filing Procedures	4-149.021
Forms Adopted	4-149.022
Review	4-149.023
Calculation of Premium Rates	4-149.037
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirements	4-149.038
Small Employer Health Reinsurance Program	4-149.043
Forms	4-149.044
Purpose	4-149.051
Establishing a Self-Funded Health Benefit Plan	4-149.052
Ongoing Review of the Self-Funded Health Benefit Plan	4-149.053

PURPOSE AND EFFECT: The rules are being amended to update the filing standards for life and health filings and to update the standards applicable to health rate schedules.

SUBJECT AREA TO BE ADDRESSED: Filing standards for life and health filings and standards applicable to health rate schedules.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 626.9611, 627.410(6)(b), (e), 627.6699(5)(i)3.a., 4.a., 627.6699(16), 627.805 FS.

LAW IMPLEMENTED: 112.08, 112.08(2), 119.07(1)(b), 624.307, 624.307(1), 624.424(6), 625.121, 626.9541, 626.9541(1), 626.99, 627.402, 627.410, 627.410(1), (2), (6), (6)(d), (e), (7), 627.411, 627.411(1)(a), (e), (2), 627.474, 627.476, 627.6515(2)(a), 627.6699, 627.6699(5)(i)3.a., 4.a., (6), (11), (12)(e), (13), (13)(i), 627.807, 627.9175 FS.

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

TIME AND DATE: 1:30 p.m., November 5, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, at Dinof@dfs.state.fl.us.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON BY E-MAIL REQUEST.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control Regulations	5E-14
RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Licensee Identification – Vehicles, Equipment	5E-14.103
Responsibilities and Duties – Records	
Reports, Advertising, Applications	5E-14.142

PURPOSE AND EFFECT: The purpose of the rule amendment is to implement Section 482.051(2), F.S., that provides authority to allow temporary signage for pest control vehicles used exclusively for sales and solicitation. It also defines wood destroying fungi to exclude surface molds that do not cause damage to wood and allow a disclaimer to be added to the wood destroying organism inspection report regarding opinions about health effects from mold infestation.

SUBJECT AREA TO BE ADDRESSED: During the last legislative session, Section 482.051(2), F.S., was amended to provide authority to adopt a rule that would allow temporary signage for pest control vehicles used exclusively for sales and solicitation. This rule amendment implements that authority. A rule amendment is also being proposed that defines wood destroying fungi to exclude surface molds and allow a disclaimer to be added to wood destroying organism inspection reports regarding opinions about health effects from mold infestation.

SPECIFIC AUTHORITY: 482.051, 482.226 FS.

LAW IMPLEMENTED: 482.051, 482.226 FS.

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

TIME AND DATE: 1:00 p.m., November 19, 2003

PLACE: Conference Room # 3, Hurston North Tower, 400 South Robinson St., Orlando, FL 32810

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Dwinell, Assistant Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.102 Definitions.

(1) through (16) No change.

(17) “Wood decaying fungi” – Fungi, such as those that produce white rot, brown rot, and cubical rot, that contain the enzymes necessary to degrade cellulose and lignin in wood and that can cause damage to wood, not including surface molds that do not cause damage to sound wood.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, _____.

5E-14.103 Licensee Identification – Vehicles, Equipment.

To assist the Department in enforcement of Chapter 482, F.S., and all regulations thereunder, the licensee shall identify all units or equipment used by him or in his behalf for pest control as follows:

(1) All motor vehicles and all trailers used in behalf of or by any licensee or licensee’s employees in the conduct of pest control shall be permanently marked for easy identification with the licensee’s name or trade name, as registered with the Department. The term “permanently marked” shall mean paint or decals applied to the vehicle body itself. Magnetic signs are prohibited except as provided below. This requirement may be waived by the Department for a period of time not to exceed fifteen (15) working days in authentic and verifiable emergencies when the licensee has given written notice to the ~~Department Entomologist Inspector in the area~~ describing the cause of the emergency, the vehicle being replaced, the substituting vehicle, and the anticipated termination date of the emergency. Vehicles used exclusively for the purpose of sales and soliciting of business may be temporarily marked, including the use of magnetic signs, provided that no pesticides or pesticide application equipment are carried in the vehicle. All vehicles that carry or contain pesticides or pesticide application equipment shall be permanently marked as provided above.

Specific Authority 482.051(1) FS. Law Implemented 482.051(1), 482.161, 482.191 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn – See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, Formerly 10D-55.103, Amended _____.

5E-14.142 Responsibilities and Duties – Records Reports, Advertising, Applications.

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

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings in the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, rev. 3/02, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood Destroying Organisms Inspection Report except “This property was not inspected for any fungi other than wood decaying fungi, and no opinion on health related effects or indoor air quality is provided or rendered by this report. Individuals licensed under Chapter 482, F.S., are not required, authorized or licensed to inspect or report for any fungi other than wood decaying fungi, nor to report or comment on health or indoor air quality issues related to any fungi. Persons concerned about these issues should consult with a certified industrial hygienist.” The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., and subsection 5E-14.102(17), F.A.C., in accordance with the following inspection standards:

1. through 2. No change.

3. Visible damage to wood will be reported whether caused by insects, fungi, or any other organism.

Specific Authority 482.051 FS. Law Implemented 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Interim Measures and Best Management

RULE CHAPTER NO.:

Practices for the Florida Equine Industry 5M-6

PURPOSE AND EFFECT: The purpose of this notice is to initiate the process of rule development related to voluntary and incentive based programs for the Florida Equine industry, to effect pollution reduction through the implementation of practices that have positive impacts on water quality.

Multiple rule development workshops will be planned and noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft rule will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

SUBJECT MATTER TO BE ADDRESSED: The subjects to be addressed at the workshops are the development of practices, the procedures for filing a Notice of Intent, and the appropriate record keeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d)1. FS.

RULE DEVELOPMENT WORKSHOPS WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AS THOSE DATES ARE ESTABLISHED:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE TWO WEEKS PRIOR TO EACH WORKSHOP FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Water Quality Best Management Practices (BMPs) for Florida Cow/Calf Operations

RULE CHAPTER NO.: 5M-7

PURPOSE AND EFFECT: The purpose of this notice is to initiate the process of rule development related to voluntary and incentive based programs for Florida Cow/Calf operations, to effect pollution reduction through the implementation of practices that have positive impacts on water quality.

Multiple rule development workshops will be planned and noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft rule will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

SUBJECT MATTER TO BE ADDRESSED: The subjects to be addressed at the workshops are the development of practices, the procedures for filing a Notice of Intent, and the appropriate record keeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d)1. FS.

RULE DEVELOPMENT WORKSHOPS WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AS THOSE DATES ARE ESTABLISHED:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE TWO WEEKS PRIOR TO EACH WORKSHOP FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLES: Licenses, Permits

RULE NOS.: 14-10.003, 14-10.004

Outdoor Advertising License and Permit Fees 14-10.0043

PURPOSE AND EFFECT: Rule 14-10.003, F.A.C., is being amended to delete language relating to submission of an application for initial license. Rule 14-10.004, F.A.C., is being amended to delete the fee references. The application fees are being increased from \$41.00 to \$44.00 (200 square feet or less) and from \$61.00 to \$64.00 (more than 200 square feet), but the fee structure itself is being adopted in more detail in a new rule. Rule 14-10.0043, F.A.C., is being adopted as a new rule to cover Outdoor Advertising License and Permit Fees. Form 575-070-04, Application for Outdoor Advertising Permit, also is being revised to reflect the revised application fees.

SUBJECT AREA TO BE ADDRESSED: Outdoor Advertising permit fees are being raised.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 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: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons solely advertising their own businesses and general contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 07/01, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor

Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

~~(a) Submission of Application for Initial License. The completed application for a license shall be forwarded to the State Outdoor Advertising License and Permit Office, at the address in (2), above.~~

~~(b) Payment of the license fee may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00, or 5% of the amount payable, whichever is greater, will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01,_____.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

~~(a) Payment of the permit fee shall be made in the same manner provided for license fees in paragraph 14-10.003(2)(b), F.A.C. The annual permit fee for each sign facing is \$41.00 for 200 square feet or less and \$61.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

~~(a)(b)~~ The applicant shall submit separate instruments of payment for each application for a new permit, in order to avoid denial of multiple applications for one application being denied.

~~(b)(e)~~ Prior to issuing any permit, the Department will inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed from the time of submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.

~~(c)(d)~~ The Department will act on permit applications in order of the date of receipt of complete applications.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(d)(e)~~ Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, or the application falls within paragraph (h) or (i), below. If denied, the application will remain in a pending status until the time to request an administrative hearing has elapsed. If a hearing is requested, the application shall remain in a pending status until time to request an appeal of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until mandate is issued by the appellate court. Subsequent applications for competing sites shall be held without action until the pending status of the earlier application is resolved.

~~(e)(f)~~ If an application is approved, all subsequently received applications for competing sites shall be denied.

~~(f)(g)~~ For purposes of paragraph ~~(c)(d)~~, above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in

subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

(i) Applications for permits for locations which conflict with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, unless a permit is being canceled as a condition for issuance of a new permit.

(j) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

(2) A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements. Any such sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has

become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

(c) When the Department is unable to provide the advance notice referenced in (a), above, the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice that the change in jurisdiction has become effective to submit an application for a sign permit.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/01~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all owners of outdoor advertising permits on the affected roadway. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, new permits will not be issued for outdoor advertising signs visible from the portion of the highway designated as a scenic highway or byway.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 07/01, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 07/01, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes, has been secured.

(b) Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(c) If a transfer of permit is made when the permit is in violation of Chapter 479, Florida Statutes, or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall permit transfer in any way prohibit issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, Florida Statutes.

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(10) Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit

Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, must list the affected permit(s), and must certify that:

- (a) The permit was canceled, or not renewed, in error by the permittee;
- (b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;
- (c) The sign has not been disassembled; and
- (d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

(11) Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.

(12) Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permit holder desires to relocate the sign to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the relocation of the permitted sign in conformance with the following:

- (a) The permit holder must submit a completed application for the relocated sign site in accordance with Section 479.07(3), Florida Statutes.
- (b) The Department must determine that the relocated sign site is in conformance with all requirements for permitting.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$44.00 for 200 square feet or less, and \$64.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for

the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: \$44.00 for each sign facing of 200 square feet or less; \$64.00 for each facing greater than 200 square feet;

(b) April 16 through July 15: \$33.00 for each sign facing of 200 square feet or less; \$48.00 for each facing greater than 200 square feet;

(c) July 16 through September 30: \$22.00 for each sign facing of 200 square feet or less; \$32.00 for each facing greater than 200 square feet;

(d) October 1 through January 15: \$55.00 for each sign facing of 200 square feet or less; \$80.00 for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.07(2) FS. Law Implemented 479.07 FS. History—New_____.

DEPARTMENT OF TRANSPORTATION

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

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the Kissimmee Park Road/Florida's Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The proposed workshop is being held in conjunction with a public information meeting to allow the public an opportunity to comment on the proposed toll rate schedule for the Florida Department of Transportation's construction of a SunPass-Only partial interchange at Kissimmee Park Road and Florida's Turnpike interchange. The project is located in Osceola County. Tolls are proposed to be collected from vehicles entering and exiting the Turnpike northbound. This

new interchange is approximately nine miles north of Three Lakes Toll Plaza and approximately five miles south of the existing Kissimmee/St. Cloud interchange.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: 6:00 p.m. – 8:00 p.m., November 13, 2003

PLACE: City of St. Cloud Parks and Recreation Department, Building A, 3001 17th Street, St. Cloud, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, and October 1, 2003, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03,_____.

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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Application
 RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan Application form, and to change the effective date of the form.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and the Florida College Investment Plan New Account Application and the Master Covenant for the Florida Prepaid College Program.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2003-1 2002-1~~, is hereby incorporated by reference and may be obtained by calling 1(800)552-GRAD (4723) (prompt 1). The effective date of the form is November 3, 2003 ~~October 21, 2002~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2003-2 2002-2~~ is hereby incorporated by reference with an effective date of November 3, 2003 ~~October 21, 2002~~.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01, 11-27-02, 10-1-03,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Prices
 RULE NO.: 19B-4.002

PURPOSE AND EFFECT: To revise the actuarial assumptions for pricing of contracts for the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumptions used to determine the prices for advance payment contracts in the Florida Prepaid College Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 8.5 percent per annum for three years, then 6.8 percent per annum, community college tuition will rise at an average of 6 percent per annum, and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 1/4 percent per annum.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Payment Options
 RULE NO.: 19B-4.003

PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments for advance payment contracts under the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: The forms of payment that will be accepted for advance payment contracts for the Florida Prepaid College Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.975, 1009.98(4) FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. ~~Payments may be made by checks, Checks, money orders, electronic funds transfers, automatic contribution plan, or automated clearinghouse checks; employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish payroll deduction plans. Payments~~ Payments may not be made by credit cards or other means of credit, ~~electronic funds transfers,~~ rollover distributions, third party checks of \$10,000.00 or more, ~~or traveler's checks or cashier's checks.~~

(1) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.975, 1009.98(4) FS. History--New 3- 29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, 11-27-02, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit
 RULE NO.: 19B-4.005
 PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.
 SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for advance payment contracts in the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98, 1009.981 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 2:00 p.m., November 3, 2003
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004 2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals
 RULE NO.: 19B-8.001
 PURPOSE AND EFFECT: To revise the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan.
 SUBJECT AREA TO BE ADDRESSED: The types of persons that may be substituted as qualified beneficiaries in the Florida Prepaid College Plan.
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 2:00 p.m., November 3, 2003
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

Except when an advance purchase contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step brother, step sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. ~~Documentation must also be submitted with the transfer request evidencing the relationship of the transferee.~~ The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program
 RULE NO.: 19B-16.002
 PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan Application form and to change the effective date of the form.
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

- (1) No change.
- (2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2003 ~~2002~~-1, is hereby incorporated by reference. The effective date of the form is November 3, 2003 ~~October 21, 2002~~. The form may be obtained from the Board.
- (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment and Minimum Contributions
 RULE NO.: 19B-16.004
 PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments on accounts in the Florida College Investment Plan.
 SUBJECT AREA TO BE ADDRESSED: The forms of payment that will be accepted for accounts in the Florida College Investment Plan.
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-16.004 Payment and Minimum Contributions.
- (1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, or traveler's checks ~~or cashier's checks~~.
- (2) through (6) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit
RULE NO.: 19B-16.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.

SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for advance payment contracts in the Florida Prepaid College Plan and accounts in the Florida College Investment Plan, for individual beneficiaries.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6), FS.

LAW IMPLEMENTED: 1009.98, 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 3, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO CONTACT REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004~~ ~~2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contact shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 5-30-02, Amended 11-27-02,_____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Interim Rate Relief
RULE NO.: 25-6.0435

PURPOSE AND EFFECT: To revise the rule to reflect changes concurrently being made to Rule 25-6.043, F.A.C., Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; to clarify a provision, and to eliminate an unnecessary provision.

SUBJECT AREA TO BE ADDRESSED: Unnecessary provisions of Rule 25-6.0435, F.A.C.

SPECIFIC AUTHORITY: 366.05(1), 366.071 FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.06, 366.071 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO CHRISTIANA T. MOORE, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Slemkewicz, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6420

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0435 Interim Rate Relief.

(1) Each electric utility petitioning for interim rate relief pursuant to Section 366.071, F.S., shall file the data required by ~~in Schedules 2 through 14, 17, and 23, in~~ paragraph 25-6.043(1)(a), F.A.C. ~~In addition, a schedule shall be submitted calculating the interim relief in accordance with s. 366.07, F.S., and allocation factors by functional group approved in the company's last rate case.~~

(2)(a) The requested interim increase in base rate revenues shall be divided by interim test year base rate revenues to derive a percentage increase factor. The percentage increase factor shall be applied uniformly to all existing base rates and charges to derive the interim base rates and charges. Interim rates shall apply across the board based on base rate revenues

for the test period less embedded fuel revenue by rate schedule. The resulting dollar amount shall be divided by base rate revenues per rate schedule to determine the percent increase applied to each rate schedule.

(b) In determining the interim increase, the following data shall be provided: KWH sales; base rate revenue less base fuel revenue; base fuel revenues; total base rate revenue; fuel adjustment revenue; total revenue. The interim increase shall be shown by dollar amount and percentage by rate schedule in the following manner:

- I. ~~Requested Interim Amount Across the board~~
~~base rate revenue less = percentage constant~~
~~base fuel revenue~~
- II. ~~Percentage X base rate revenue less = Dollar~~
~~increase~~
~~Constant base fuel revenue to rate schedule~~
- III. ~~Dollar Increase = Percent increase applied~~
~~total base rate revenue to rate schedule~~

(3) Interim rate relief collected is subject to refund pending final order in the permanent rate relief request. Such increase shall be subject to a corporate undertaking or under bond as authorized by the Commission and any refund shall be made with an interest factor determined by using the 30-day commercial paper rate for highgrade, unsecured notes, sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal. The annual rate as published on the first day of the current business month would be added to the rate as published on the first day of the subsequent business month and halved to obtain the simple average rate to be applied in that month. This rate of interest would be applied to the refund amount for that month. The amount of interest calculated would be added to the beginning balance of the following month so as to accomplish the compounding of the interest feature of the refund provision.

Specific Authority 366.05(1), 366.071 FS. Law Implemented 366.04(2)(f), 366.06, 366.071 FS. History—New 5-27-81, Formerly 25-6.435, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements
 RULE NO.: 33-208.101
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit staff to wear neatly trimmed 1/4 inch beards.
 SUBJECT AREA TO BE ADDRESSED: Employee grooming requirements.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 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 AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

- (1) No change.
- (2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.

(b) Staff shall be permitted to wear a neatly trimmed 1/4 inch beard. Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.

(c) ~~A neatly trimmed mustache may be worn, but shall not extend below or in excess of 1/4 inch beyond the corners of the mouth or extend below the upper lip.~~

(d) ~~The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.~~

(e) ~~The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a physician stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate director, Chief of Staff or Deputy Secretary. The Deputy Secretary, Chief of Staff or director may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, director of institutions, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

- (3) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03.

DEPARTMENT OF CORRECTIONS

RULE TITLES: ADMINISTRATIVE CONFINEMENT
 Administrative Confinement 33-602.220
 Protective Management 33-602.221
 Disciplinary Confinement 33-602.222

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify definitions of terms related to confinement statuses, incorporate new forms and correct citations to existing forms, correct staff titles, clarify provisions related to conditions and privileges in confinement statuses, clarify responsibilities of staff working in confinement units, and delete obsolete language.

SUBJECT AREA TO BE ADDRESSED: Conditions of confinement.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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 AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) through (n) No change.

(o) Major rule violation – for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting or attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(2) Procedures for Placement in Administrative Confinement.

(a) No change.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be

documented in the health care record. Inmates shall be weighed upon admission to administrative confinement, at least once a week while in administrative confinement, and upon leaving administrative confinement. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Segregation. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C subsection (11) of this rule. When an official places an inmate in administrative confinement, this action shall be documented in the electronic classification contact log in OBIS. This entry shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement and a summary of the inmate's comments. The reason must correspond with one of the criteria for placement provided in subsection (3) of this rule. This electronic entry shall be completed the same day the inmate is placed into confinement, and will establish the ICT 72-hour review appointment. Any written statements provided by the inmate shall be forwarded to the ICT for their consideration during the forthcoming 72-hour review.

(c) through (3) No change.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the emergency situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates will be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) through (d) No change.

(5) Conditions and Privileges.

(a) Clothing – Inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Utilization of the special management meal is authorized for any inmate in administrative confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) through (o) No change.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be

available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(6) Restraint and Escort Requirements.

(a) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. Form DC4-650 is incorporated by reference in subsection (11) of this rule.

(g) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (11) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) No change.

(b) Daily by the ~~area~~ housing supervisor.

(c) Daily by the shift supervisor officer in charge on duty for all shifts except in case of riot or other institutional emergency.

(d) through (8) No change.

(9) Administrative Confinement Records.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer in charge or the confinement lieutenant must approve the action initially. The

central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229 shall be maintained in the housing unit area for 30 days, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(b) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in subsection (11) of this rule.

(c)(b) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement unit area. Each staff person shall sign such record when entering and leaving the confinement unit area. Prior to leaving the confinement unit area, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, the DC6-228 shall be maintained in the housing unit area and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in subsection (11) of this rule.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in subsection (11) of this rule.

(10) Staffing Issues.

(a) No change.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (c) No change.

~~(d) Form DC6-229, Daily Record of Segregation, effective date February 12, 2001.~~

(c) through (g) renumbered (d) through (f) No change.

(g) Form DC6-229B, Daily Record of Segregation – Supplemental, effective _____.

(h) Form DC6-209, Housing Unit Log, effective _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, _____.

33-602.221 Protective Management.

(1) Definitions.

(a) through (p) No change.

(q) Major Rule Violation, for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(2) No change.

(3) Protective Management Facilities.

(a) The number of inmates housed in protective management housing units shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others and document such on Form DC6-235, Record of Protective Management.

(b) through (d) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or

herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift ~~supervisor~~ ~~officer in charge~~ or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235 Record of Protective Management, and the chief of security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Any deviation from established meal service or sSubstitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) through (o) No change.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the

inmate with an in-cell exercise guide and document such on the Record of Protective Management, Form DC6-235. Form DC6-235 is incorporated by reference in subsection (10) of this rule. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

(r) Self-improvement programs – Self-improvement programs shall be available in their housing ~~unit area~~, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities or letter writing.

(q) No change.

(s) through (6) No change.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. The staff member shall also document his or her visit on the Record of Protective Management, Form DC6-235, if, during the visit by staff, any discussion of significance, action or behavior of the inmate occurs or any information is obtained which may have an effect on the status of protective management. These visits shall be conducted at a minimum of:

1. No change.

2. Daily by the ~~area~~ housing supervisor.

3. Daily by the ~~shift supervisor~~ ~~officer in charge~~ on duty for all shifts except in case of riot or other institutional emergency.

4. through 9. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented

on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. Forms DC4-650 is incorporated by reference in subsection 33-602.220(11), F.A.C.

(8) No change.

(9) Protective Management Records.

(a) No change.

(b) An Inspection of Special Housing Record, Form DC6-228 shall be maintained in each protective management ~~unit area~~. Form DC6-228 is incorporated by reference in subsection (11) of Rule 33-602.220, F.A.C. Each staff person shall sign the record when entering and leaving the protective management ~~unit area~~. Prior to leaving the protective management ~~unit area~~, each staff member will indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The ~~housing supervisor supervising officer~~ will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each protective management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

(10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, _____.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) through (k) No change.

(l) State Classification Office (SCO) refers to a staff member at the central office level responsible for the review of inmate classification decisions including approving, modifying or rejecting ICT recommendations.

(m) Major rule violation – for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) Housing supervisor – the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.

(2) Lacement in Confinement.

(a) No change.

(b) ~~Inmates placed in~~ Disciplinary confinement cells shall be physically placed in cells separate from other confinement statuses whenever possible and the cell doors will feature remotely controlled locking devices. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum, observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation. Form DC6-229 has been incorporated by reference in Rule 33-601.800, F.A.C. 33-602.220(10).

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in subsection 33-602.220(10), F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Segregation. All inmates shall be searched prior to entering the confinement unit and upon departure. All items entering the confinement unit shall be thoroughly searched, to include at a minimum, food carts and trays, laundry and linens, and inmate property.

~~(d) Each confinement cell shall provide for a minimum of twenty foot candles of light, including natural lighting.~~

~~(e) The officers assigned shall exercise care shall be exercised to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal operating activities.~~

(4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted on the Daily Record of Segregation, Form DC6-229, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or to others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) through (e) No change.

(f) Diet and Meals. Inmates in disciplinary confinement shall receive meals representative of the food served to the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement ~~unit area~~ shall be replaced with another item of comparable quality and quantity. Utilization of the special management meal is authorized for any inmate in disciplinary confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Canteen Items. Inmates shall be prohibited from purchasing canteen items while in disciplinary confinement. However, non-indigent inmates shall be allowed to purchase stamps, envelopes, security pens and paper for preparation of legal documents and for mail to notify visitors of his or her confinement status.

(h) through (j) No change.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access to such for the purpose of reading or preparing correspondence.

~~(o) Reading Material. Reading materials, including~~ Scriptural and devotional reading materials and books that are in compliance with admissibility requirements in rule

33-501.401, F.A.C., shall be permitted for those inmates in disciplinary confinement units unless there is an indication of a threat to the safety, security or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with paragraph (9)(b) (8)(e) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. through 2. No change.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(r) If items of clothing, bedding or property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, ~~or~~ to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred.

(5) Restrictions.

(a) No change.

(b) When any privilege is restricted or any item is removed from an inmate's cell, the action taken must be approved by the shift supervisor or confinement lieutenant. The action taken and the reason for it shall be documented on the Daily Record

of Segregation, Form DC6-229. A copy of the Inmate Impounded Personal Property List, Form DC6-220, shall be issued to the inmate as a receipt for any property taken. This action must be reviewed and approved by the chief of security no later than the next working day following the action.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in subsection 33-602.220(10), F.A.C. The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if any discussion of significance, action or behavior of the inmate, or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. No change.

2. Daily by the housing ~~area~~ supervisor.

3. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in subsection 33-602.220(10), F.A.C. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(8) Review and Release from Disciplinary Confinement.

(a) through (d) No change.

(e) The ~~confinement~~ housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to administrative confinement.

(9) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in disciplinary confinement in the housing area for 30 days, then forwarded to the ICT for review, and then forwarded to classification for filing in the institutional inmate record.

(b) The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-602.220, F.A.C.

~~(11)~~(10) Inspection of Special Housing Record.

(a) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each disciplinary confinement unit area.

(b) Each staff person shall sign the form when entering and leaving the disciplinary confinement unit area. Prior to leaving the disciplinary confinement unit area, each staff member shall indicate any specific problems, including identification of any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228.

(c) Upon completion, the DC6-228 shall be maintained in the housing unit area and shall be forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(12) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

~~(13)~~(14) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months ~~by the chief of security to determine whether a rotation is necessary. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security.~~ The chief of security shall review personnel records, to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance; and interview the officer and the officer's supervisors for the period of review when necessary; and shall make a recommendation to the warden as to the necessity of a rotation. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall be documented in section VI of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The ~~r~~Regional ~~d~~Director of institutions shall review the circumstances for possible reassignment.

(14) Forms, Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, Amended 2-12-01, 2-5-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: Filing and Examination of a Prospectus
 RULE NO.: 61B-30.002

PURPOSE AND EFFECT: The rule amendment deletes the requirement that an approved version of the prospectus be delivered to the division. This rule amendment promotes efficiency, reduces paperwork and decreases costs to the state and private sector, pursuant to Section 120.74, Florida Statutes. SUBJECT AREA TO BE ADDRESSED: The rule pertains to a "prospectus" document that contains important disclosures that must be provided to mobile home park residents by the mobile home park owner. The prospectus must be reviewed and approved by the Division before the park owner can rent mobile home lots and disseminate the prospectus to prospective park residents. The Division's review, deficiency, and approval process generates a chronological set of documents, including submitted documents and corrected pages. These records are open to inspection by the public and the park owner. The park owner or his counsel generates the approved version of the prospectus during the course of the Division's approval process. The submission of additional documents to the state is not statutorily required and serves no benefit to the public.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.011(1), 723.012, 723.006(8) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., November 3, 2003

PLACE: Conference Room 440, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. A copy of the rule amendment is available on line at <http://www.myflorida.com/portal>, <Find an Agency, <DBPR, <Land Sales, <Mobile Homes.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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 Acupuncture**

RULE TITLES: Acupuncture Program Requirements
 RULE NOS.: 64B1-4.001

English Proficiency Requirement for Licensure 64B1-4.0012

PURPOSE AND EFFECT: The Board proposes to consider the repeal of subsection (2) in Rule 64B1-4.001, F.A.C. The Board has also determined to review the existing text in subsection (4) in Rule 64B1-4.001 and 64B1-4.0012, F.A.C., to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: In Rule 64B1-4.001, F.A.C., applicants who enroll on or after August 1, 1997 and applicants who apply for licensure on or after October 1, 2003, and in Rule 64B1-4.0012, F.A.C., english proficiency requirement for licensure.

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH**Board of Acupuncture**

RULE CHAPTER TITLE: Discipline
 RULE CHAPTER NO.: 64B1-9

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule chapter to determine if amendments and/or the promulgation of new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 120.695, 456.073(3), (4), 456.077, 456.079(1), 457.104, 457.116(1)(b) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), (4), 456.072, 456.077, 456.079, 457.109, 457.116(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Examination Grading System and Examination Requirements for Dental Examination
 RULE NO.: 64B5-2.013

PURPOSE AND EFFECT: The Board proposes the amendment to provide dental examination candidates flexibility to assess suitable board patients in order to rule out any significant health problems that might pose a potential risk during the clinical board examination.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would allow dental examination candidates under direct supervision to assess suitable patients as board patients.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.013 Examination Grading System and Examination Requirements for Dental Examination.

- (1) No change.
- (2) (a) through (f) No change.

(g) Candidates for the dental state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental school under direct supervision of a school faculty member.

(3) through (7) No change.

Specific Authority 456.017(1)(b), 466.004(4), 466.006(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History--New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Continuing Education Requirements
 RULE NOS.: 64B5-12.013
 Subject Area Requirements 64B5-12.016

PURPOSE AND EFFECT: The Board proposes the amendments to add certain experience and course work as credit hours towards continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments allow a maximum of 11 hours continuing education credit per biennium for participating as an expert witness in the review of disciplinary cases, and a maximum of two hours for completing HIPAA related courses in the biennium ending February 28, 2004.

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-12.013 Continuing Education Requirements.
- (1) through (2) No change.
- (3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:
 - (a) through (e) No change.

(f) By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 11 hours of continuing education credit for completing five disciplinary cases in each biennium. By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 4 hours of continuing education credit for completing two disciplinary cases in each biennium. A maximum of 11 hours in any one biennium may be earned toward license renewal.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History–New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01,_____.

64B5-12.016 Subject Area Requirements.

(1) through (3) No change.

(4) For the biennium ending February 28, 2004, a licensee may receive a maximum of two hours of continuing education credit for completing Health Insurance Portability and Accountability Act (HIPAA) related courses.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History–New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Office Safety Requirement

RULE NO.: 64B5-17.015

PURPOSE AND EFFECT: The Board proposes a new rule to update the minimum standard of dentistry practice care to include recent advances in life-saving equipment as a part of every dental office location by February 28, 2006.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule requires an automatic external defibrillator on site by February 28, 2006 as part of the minimum standard of care of dentistry practice.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3)(c) FS.

LAW IMPLEMENTED: 466.017(4), 466.028(1)(x) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.015 Office Safety Requirement.

As part of the minimum standard of care, every dental office location shall be required to have an automatic external defibrillator by February 28, 2006. Any dentist practicing after February 28, 2006 without an automatic external defibrillator on site shall be considered to be practicing below the minimum standard of care.

Specific Authority 466.004(4), 466.017(3)(c) FS. Law Implemented 466.017(4), 466.028(1)(x) FS. History–New_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Licensure of Massage Establishments

RULE NO.: 64B7-26.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure of massage establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043(1), (2), 483.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate two new forms into the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments incorporate two new forms to be utilized by the Board for licensure purposes.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (20) No change.

(21) DH-MQA 1076, entitled "Application for 1-Year Extension Temporary Physician Assistant License," (7/03).

(22) DH-MQA 1079, entitled "Temporary Certificate to Practice Medicine for Educational Purposes," (10/02).

(21) through (25) renumbered (23) through (27) No change.

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Application, Certification, Registration, and Licensure Fees
 RULE NO.: 64B8-3.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the fee for licensure pursuant to Section 458.3137, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment sets forth an application fee in the amount of \$300 for those seeking a temporary certificate pursuant to Section 458.3137, F.S.

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 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, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

The following fees are prescribed by the Board:

(1) No change.

(2) An application fee in the amount of \$300.00 for a person desiring to obtain a temporary certificate to practice in areas of critical need, as provided in Section 458.315, F.S., and a temporary certificate to practice in an approved cancer center, as provided in Section 458.3135, F.S., and a temporary certificate to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums, as provided in Section 458.3137, F.S.

(3) through (9) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 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, 458.3137, 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, 10-19-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Office Based Opioid Addiction Treatment
 RULE NO.: 64B8-9.015

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards for treatment of opioid addiction.

SUBJECT AREA TO BE ADDRESSED: Appropriate standards for office based opioid addiction treatment.

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

LAW IMPLEMENTED: 458.331(1)(v) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLES:	RULE NOS.:
Cancellation of Workers' Compensation Insurance by an Insurer	69L-6.008
Policy Information Electronic Filing Requirements for Insurers	69L-6.014

PURPOSE AND EFFECT: These proposed rule changes amend the filing timeframes for electronic reporting of workers' compensation policy information, and address the new requirement for cancellation of a workers' compensation insurance policy for non-payment of premium.

SUBJECT AREA TO BE ADDRESSED: Cancellation of workers' compensation insurance policies, and electronic filing requirements for notifications to the Division of Workers' Compensation regarding workers' compensation insurance policies.

SPECIFIC AUTHORITY: 440.185(7), (9), 440.42(3), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.185(7), (9), 440.42(3), 440.593 FS.

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

TIME AND DATE: 9:00 a.m., November 6, 2003
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Yon, Insurance Administrator, Office of Data Quality and Collection, Division of Worker's Compensation, Department of Financial Services, 200 East Gaines Street Tallahassee, FL 32399-4226; phone number (850)413-1702; e-mail: yonl@dfs.state.fl.us.

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

(1) Except as hereinafter provided, an insurer shall not cancel a workers' compensation insurance policy or contract of insurance for any reason other than non-payment of premium shall not be cancelled by an insurer until and unless 30 days have elapsed after the insurer has electronically filed directly with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation ~~cancellation~~. The electronic Notice of Cancellation ~~cancellation~~ must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation ~~electronically~~ through a third party vendor for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date," and the electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C.

(2) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel the policy for non-payment of premium until and unless 30 days have elapsed after the insurer has electronically filed with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation. The electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation through a third party vendor, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date", and must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. A workers' compensation insurance policy may be cancelled by the insurer the same day it became effective if the insurer electronically files a Notice of Cancellation directly with the Division or through a third party vendor and serves a copy of a notice of cancellation upon the employer in person or by mail, stating therein the reason for such cancellation, if the policy has been rewritten by the same insurer, with the same effective date.

~~(3) When duplicate or dual coverage exists because two different insurers each issued policies to the same employer, and both policies have the same effective date, secure the same liability, and proof of coverage for both policies was duly filed by the insurers as required by this rule chapter, then, one of those policies may be cancelled by one of the insurers as of the date a Notice of Cancellation is electronically filed by that insurer.~~

(3)(4) When duplicate or dual coverage exists because two different insurers each issued policies with different effective dates to the same employer, and both of those policies secure the same liability, the insurer which was first on the risk (the canceling insurer) may cancel its policy by electronically filing a Notice of Cancellation reflecting a reason of "Duplicate Coverage" with the Division in accordance with the provisions of Rule Chapter 69L-6.014 and 69L-56, F.A.C. Prior to filing the electronic Notice of Cancellation, the new policy must have been electronically filed with the Division, in accordance with Rule Chapter 69L-6.014 and 69L-56, F.A.C. Once such notice is filed the cancellation date of the policy being cancelled shall become the same as the effective date of the policy not being cancelled, unless a later cancellation date is specified by the canceling insurer.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, Amended 12-28-97, 2-2-00, 3-5-02, Formerly 38F-6.008, Formerly 4L-6.008, Amended _____.

69L-6.014 Policy Information Electronic Filing Requirements for Insurers.

Every insurer, other than an individual self-insurer approved under Section 440.38, F.S., shall file directly with the Division, or through a third party vendor the following electronic information in accordance with the provisions of Rule Chapter 69L-56, F.A.C. form equivalents and shall have received a "Transaction Accepted" (TA) Acknowledgement Code by the Division within the time frames noted:

(1) Within ~~twenty-one~~ thirty days of the effective date of each policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic Certificate of Insurance form equivalent of the Proof of Coverage.

(2) Within ~~twenty-one~~ thirty days of the effective date of each endorsement to a policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Endorsement.

(3) Within ~~twenty-one~~ thirty days of the effective date of each reinstatement to a cancelled policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Reinstatement.

(4) Within thirty days prior to the cancellation of a policy or contract for workers' compensation insurance coverage other than a cancellation for non-payment of premium, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Cancellation.

(5) Within thirty days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date prior to October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

(6) Within ten days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date on or after October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

Specific Authority 440.185(7), (9), 440.42(3), 440.591, 440.593(5), FS. Law Implemented 440.185(7), (9), 440.42(3), 440.593 FS. History--New 2-2-00, Amended 3-5-02, Formerly 38F-6.014, 4L-6.014, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLES:	RULE NOS.:
Florida Workers' Compensation Health Care Provider Reimbursement Manual	69L-7.020
Florida Workers' Compensation Reimbursement Manual for Hospitals	69L-7.501

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the new version of the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition, and Rule 69L-7.501, F.A.C., to adopt the Florida Workers' Compensation Reimbursement Manual for Hospitals 2004 Edition, to comply with Chapter Law 2003-412 (SB-50A), and implement the reimbursement rates adopted by the Three-member Panel pursuant to Section 440.13(12), F.S. at its meeting on October 2, 2003. The amendment to Rule 69L-7.501, F.A.C., also incorporates the Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition for use in billing for specified outpatient services. SUBJECT AREA TO BE ADDRESSED: The 2004 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.13 (11), (12), (14) FS.

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

TIME AND DATE: 9:00 a.m., November 3, 2003
 PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, ~~2004~~ ~~2003~~ Edition, is incorporated ~~adopted~~ by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above 2003 Edition, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2003 Professional Edition, Copyright 2002, American Medical Association; the Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association; ~~and for D codes;~~ and for injectable J codes, and the other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2003", Fifteenth Edition, Copyright 2002, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated in subsection (1) above 2003 Edition, the provider must use a code contained in the CPT®, CDT-4 or HCPCS section as specified.

Specific Authority 440.13(7), (8), (11)-(14); 440.591 FS. Law Implemented: 440.13(11), (12), and (14), ~~(6)-(8),(11)-(14)~~ FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, ~~4L-7.020~~, Amended _____.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, ~~2004~~ ~~1999~~ Edition, is incorporated and replacement pages 4, 9, and 22 are adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies, ~~as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.~~

(2) The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, radiology, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only. Form DWC 90, also known as the UB 92, or HCFA 1450, is hereby incorporated by reference as part of this rule.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in Subsection (1) above, is 1999 Edition, and Form DWC 90, are available for inspection during normal business hours, at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-0311 ~~4230~~, or via the Department's ~~Division's~~ website ~~home page~~ at <http://www.fldfs.com>, ~~http://www.t.myflorida.com/les/we/~~

Specific Authority 440.13(4)(b), (6), (11), (12), (14) FS. Law Implemented 440.13(4)(b), (6), (11), (12), (14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, ~~4L-7.501~~, Amended _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:	RULE NO.:
Polling Place Procedures Manual	1S-2.034
PURPOSE AND EFFECT: Amend the Polling Place Procedures Manual to include new Federal Help America Vote Act provisions.	
SUMMARY: The proposed rule generally updates the manual to include new HAVA provisions.	
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.	