Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO .:
Letters of Credit	14-116
RULE TITLE:	RULE NO.:
Letters of Credit	14-116.002
NUNDARE AND FEFERT OIL	1 14 11(000(0)))

PURPOSE AND EFFECT: Subparagraph 14-116.002(2)(a)4., F.A.C., is being deleted. Other revisions are made to update references to the Department of Insurance to conform to the agency's new name, Florida Department of Financial Services. SUBJECT AREA TO BE ADDRESSED: The Letters of Credit rule is being amended to delete subparagraph 14-116.002(2)(a)4., F.A.C. Other revisions are made to update references to the Department of Insurance to conform to the agency's new name, Florida Department of Financial Services. SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 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, 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:

14-116.002 Letters of Credit.

(1) Purpose. This rule establishes the requirements of the Department of Transportation Comptroller for the approval of letters of credit, which are provided by a financial institution at the request of the applicant/service provider/contractor.

(2) Qualifications of Banks or Savings Associations Providing Letters of Credit.

(a) The letter of credit provided by the financial institution at the request of the applicant/service provider/contractor shall be issued by banks or savings associations which must:

1. Be organized and existing under the laws of this state;

2. Be organized under the laws of the United States and have its principal place of business in this state; or

3. Have a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state. 4. Document and maintain a net worth at least 30 times the value of the letter of credit. Documentation must include a copy of the prior year end and all current year quarterly financial statements; however, if no reports have been filed for the current calendar year, all quarterly reports for the prior calendar year must be submitted. To satisfy this documentation requirement, the applicant/service provider/contractor will be responsible for requesting the bank to submit copies of Consolidated Reports of Condition and Income (more commonly called the "Call Report") to the Department. In the case of savings associations, the applicant/service provider/contractor will be responsible for requesting the bank to submit for the contractor will be responsible for savings associations.

<u>4.5.</u> Have and maintain an average financial condition ranking of 35 or more from two nationally recognized financial rating services, compiled quarterly by the <u>Florida</u> Department of <u>Financial Services</u> Insurance, Division of Treasury.

(b) In the event the required average financial condition and net worth of the financial institution are not maintained, the Department shall notify the applicant/service provider/ contractor of such noncompliance. Within 30 days after receiving the notice of noncompliance, the applicant/service provider/contractor shall cause to have provided to the Department a substitute letter of credit, with an institution meeting the requirements of this rule.

(3) Requirements of Letter of Credit. Letters of credit shall be solely for the benefit of the Department. Letter of credit language must be approved by the Department's Comptroller and must include, at a minimum, the following:

(a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, Florida Statutes, shall not be required to be extended beyond the duration required by that section. An extension shall be granted unless such extension would exceed the time limit set forth in Section 337.106, Florida Statutes. If the letter of credit is not automatically extended for such additional one year period, at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station 24, Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Comptroller, Florida Department of Transportation.

(b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the final expiration of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a financial institution is less than 35, the Department will notify the financial institution and the applicant/service provider/contractor by registered mail that if a substitute letter of credit is not received within 30 days of notification, the Department shall draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the State of Florida.

(e) Letters of credit provided in lieu of professional liability insurance must remain valid for the time period specified in Section 337.106, Florida Statutes.

Specific Authority 334.044(2) FS. Law Implemented 334.044(30)(28), 334.187, 337.106, 337.175 FS. History–New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97._____.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:RULE NO.:Provider Requirements59G-5.020PURPOSE AND EFFECT: The purpose of this rule

amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, October 2003. The handbook contains the Medicaid electronic record keeping requirements for providers. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider General Handbook.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 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: 2:30 p.m., Monday, December 22, 2003

PLACE: Agency for Health Care Administration, Medicaid Contract Management, 2308 Killearn Center Blvd., Building B, Suite 200, Tallahassee, Florida THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Girard, Medicaid Contract Management, 2308 Killearn Center Blvd., Building B, Suite 200, Tallahassee, Florida 32309, (850)413-8033

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, January 2004 October 2003, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, <u>409.905</u>, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History–New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03,______.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE:

Reexamination Fees

RULE NO .:

Application Fee for Licensure Through Examination or Endorsement and

61G3-20.002

PURPOSE AND EFFECT: The Board proposes the development of rules to make changes to examination and reexamination fees.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS. LAW IMPLEMENTED: 455.2171, 476.192 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: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street Tallahassee, FL 32399-0783., Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

(a) No change.

- (b) Examination and Reexamination
- No Change.
 Written portion

The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Sixty-one dollars and fifty cents (\$61.50) Fifty-five dollars and fiftycents (\$55.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and thirteen dollars and fifty cents (\$13.50) nineteendollars and fifty cents (\$19.50) shall be paid to the professional testing service.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application Fee:

(a) Examination and Reexamination

1. No change.

2. Written Portion

The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50) Sixty-eight dollars and fifty-cents (\$68.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (4.50) six dollars and fifty (\$6.50) shall be paid to the professional testing service.

(3) No change.

Specific Authority 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History–New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:	RULE NO .:
Notice of Noncompliance	61J2-24.003
PURPOSE AND EFFECT: The purpose of	the proposed rule
amendment is to bring the rules into complia	ince with statutory
changes.	-

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designations and notices of noncompliance.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.: General Rules for Boxing 61K1-1 PURPOSE AND EFFECT: Pursuant to Section 548.006, Florida Statutes, the Florida State Boxing Commission has exclusive jurisdiction over every match held within the state that involves a professional. In order to conform to amendments made to Chapter 548, Florida Statutes, in Legislative Session 2002, existing boxing rules need to be updated and amended accordingly, along with the promulgation of rules governing professional mixed martial arts.

SUBJECT AREA TO BE DISCUSSED: Amendment of existing boxing rules, including both substantive and technical changes, and the development of regulations, standards, and safety procedures for professional mixed martial art matches.

SPECIFIC AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: Chapter 548 FS.

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

TIME AND DATE: 2:00 p.m. or shortly thereafter, December 22, 2003

PLACE: Room 259, Johns Building, 725 S. Bronough Street, Tallahassee, Florida 32399, (850)488-8500 or Suncom 278-8500

A copy of the workshop agenda may be obtained by writing: Jason Penley, Florida State Boxing Commission, Assistant Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-1016.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least forty-eight (48) hours before the workshop by contacting: Kelly Harris, (850)488-8500. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Meffert, Executive Director, The Florida State Boxing Commission, 725 S. Bronough Street, Room 206, Tallahassee, Florida 32399, (850)488-8500

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE CHAPTER TITLE:RULE CHAPTER NO.:General Rules for Kickboxing61K1-2PURPOSE AND EFFECT:Pursuant to Section 548.006,

Florida Statutes, the Florida State Boxing Commission has exclusive jurisdiction over every match held within the state that involves a professional. In order to conform to amendments made to Chapter 548, Florida Statutes, in Legislative Session 2002, existing kickboxing rules need to be updated and amended accordingly.

SUBJECT AREA TO BE DISCUSSED: Amendment of existing kickboxing rules, including both substantive and technical changes.

SPECIFIC AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: Chapter 548 FS.

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

TIME AND DATE: 4:00 p.m. or shortly thereafter, December 22, 2003

PLACE: Room 259, Johns Building, 725 S. Bronough Street, Tallahassee, Florida 32399, (850)488-8500 or Suncom 278-8500

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least forty-eight (48) hours before the workshop by contacting: Kelly Harris, (850)488-8500. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Meffert, Executive Director, The Florida State Boxing Commission, 725 S. Bronough Street, Room 206, Tallahassee, Florida 32399, (850)488-8500

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Medicine

RULE TITL	E:				RULE	NO.:
Definitions					64B8-30	.001
PURPOSE	AND	EFFECT:	The	Board	proposes	the

development of a rule amendment to define the term "year."

SUBJECT AREA TO BE ADDRESSED: Definition of the term "year."

SPECIFIC AUTHORITY: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347 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, IF AVAILABLE, 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 NOT AVAILABLE.