

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incentive/Disincentive Provisions RULE CHAPTER NO.: 14-93

RULE TITLE: Incentive/Disincentive Provisions RULE NO.: 14-93.004

PURPOSE AND EFFECT: Section 337.18(4)(a), Florida Statutes (2003), removed the limit of \$10,000 per day limit on incentive/disincentive payments. Section 337.18(4)(a), Florida Statutes, now requires the amount of such incentive/disincentive payments to be established by contract based upon the factors stated in that statute.

SUBJECT AREA TO BE ADDRESSED: The sentence, which limited the maximum amount of incentive/disincentive to \$10,000 per day is being deleted to make the rule agree with the Florida Statutes, which no longer includes this limit.

SPECIFIC AUTHORITY: 334.044(2), 337.18(4)(b) FS.

LAW IMPLEMENTED: 337.18(4) 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:

14-93.004 Incentive/Disincentive Provisions.

(1) Purpose. This rule governs the use of incentive/disincentive provisions in contracts. Procedures pertaining to incentive/disincentive provisions, including criteria for the selection of projects on which incentive payments and additional damages may be provided for by contract, are set forth in this rule.

(2) Background. Sections 337.18(4)(a) and (b), Florida Statutes, authorize the use of incentives/disincentive provisions in contracts where the Department determines and adequately documents that the project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue producing project. Incentive/disincentive

provisions in a contract compensate the contractor a predetermined amount of money for each day identified work is completed ahead of schedule and assess an equal deduction for each day the contractor is late in meeting the time specified.

(3) Procedure. All contracts containing incentive/disincentive provisions shall be approved by the District Secretary (District Projects) or the Secretary of Transportation (Central Office Projects), or designee, based upon a finding that the requirements of this rule have been met.

(a) Monetary and Time Limitations. The monetary and time requirements for incentive/disincentive provisions should be established based on the facts supporting each project. ~~Section 337.18(4)(a), Florida Statutes, limits incentive/disincentive provisions to a maximum of \$10,000 per calendar day, except for revenue producing projects.~~ For revenue producing projects, the incentive amount per calendar day may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. To determine the project per day incentive/disincentive amount the Department will consider maintenance of traffic cost, road users' cost, detour impacts to the public, and cost of construction engineering inspection and administration of the project. To determine the project maximum number of incentive/disincentive days the Department will consider the expected length of project time, compared to project time with possible use of extended shifts, for both work day and work week, and dedication of increased personnel and construction resources. Liquidated damages shall be separate from any calculation of disincentive amounts under this rule.

(b) Criteria for Project Selection. Projects determined to be capable of accelerated construction will be considered eligible for inclusion of an incentive/disincentive provision. Project documentation shall include factors supporting the necessity to encourage an accelerated, and discouraging delayed, completion of project or critical phases of work. Such factors will be economic and business impacts, disruption to the traveling public, community and residential impacts, and safety.

Specific Authority 334.044(2), 337.18(4)(b) FS. Law Implemented 337.18(4) FS. History—New 11-21-00, Amended.

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

RULE TITLES:	RULE NOS.:
Asset Transfer Procedures: Initial Transfers Occurring Between 7/1/02 and 3/31/03	19-10.001
Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring Between 7/1/02 and 3/31/03	19-10.002
Asset Transfer Procedures: For Employees Who become Eligible to Participate in PEORP by Reason of Employment in a Regularly Established Position with a State Employer Commencing after April 1, 2002; or with a District School Board Employer commencing after July 1, 2002; or with a Local Employer Commencing after October 1, 2002	19-10.003

PURPOSE AND EFFECT: To repeal asset transfer procedures for the Public Employee Optional Retirement Program because the time periods have passed.

SUBJECT AREA TO BE ADDRESSED: Asset transfer procedures.

SPECIFIC AUTHORITY: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 121.4501(2),(3),(4),(5),(6),(8),(15), 121.571(1),(2), 121.71, 121.73, 121.74, 121.78, 215.44(8)(b) 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. – 5:00 p.m., Monday, May 24, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Hodges at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed rule development may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON MAY 7, 2004.

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Beneficiary Designation for the FRS Investment Plan	19-11.002
Excessive Trading in the FRS Investment Plan	19-11.004
FRS Investment Plan Complaint Procedures	19-11.005
Enrollment Procedures for New Hires	19-11.006
Second Election Enrollment Procedures for the FRS Retirement Programs	19-11.007

PURPOSE AND EFFECT: To establish procedures for beneficiary designation; excessive trading; complaints; enrollments; and second elections for the Public Employee Optional Retirement Program (commonly known as the FRS Investment Plan).

SUBJECT AREA TO BE ADDRESSED: Administrative procedures for the FRS Investment Plan.

SPECIFIC AUTHORITY: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.091(8), 121.4501(2),(3),(4), (5),(6),(8), (9)(f)3., (13),(14),(15), 121.591(3), 121.73, 121.74, 121.78, 215.44(8)(b) FS.

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STATE BOARD OF ADMINISTRATION

RULE TITLE: Acceptance of Rollovers
RULE NO.: 19-12.007
PURPOSE AND EFFECT: To adopt a form.
SUBJECT AREA TO BE ADDRESSED: Acceptance of rollovers into the FRS Investment Plan.
SPECIFIC AUTHORITY: 121.4501(5)(c) FS.
LAW IMPLEMENTED: 121.4501(5)(c) 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. – 5:00 p.m., Monday, May 24, 2004
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199
 Copies of the proposed rule development may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON MAY 7, 2004.

STATE BOARD OF ADMINISTRATION

RULE TITLES:
 Role and Responsibilities of the State Board of Administration of Florida 19-13.001
 Role and Responsibilities of the Division of Retirement within the Department of Management Services 19-13.002
 Role and Responsibilities of State, School District, and Local Employers participating in the Florida Retirement System 19-13.003
 Role and Responsibilities of the Third Party Contractors 19-13.004
PURPOSE AND EFFECT: To describe the role and responsibilities of public and private entites with regard to the Public Employee Optional Retirement Program.
SUBJECT AREA TO BE ADDRESSED: Roles and responsibilities.

SPECIFIC AUTHORITY: 121.4501(8)(a) FS.
LAW IMPLEMENTED: 121.4501(1), (4), (5), (8)(b),(e), (9)(a), (10), (14), (15), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78, 215.44(8)(b) 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:
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 Copies of the proposed rule development may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON MAY 7, 2004.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Policy Statement
RULE NO.: 19-14.001
PURPOSE AND EFFECT: To discuss a proposed Policy Statement regarding non-FRS defined contribution programs.
SUBJECT AREA TO BE ADDRESSED: SBA responsibilities regarding investment products; and performance measurement criteria for the programs permitted by Sections 112.215, 121.055, and 121.35, Florida Statutes.
SPECIFIC AUTHORITY: 121.4501(8)(a), 215.52 FS.
LAW IMPLEMENTED: 112.215(4), 121.055(6)(f)2., 121.35(6)(c), 215.515 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. – 5:00 p.m., Monday, May 24, 2004
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Hodges at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed rule development may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON MAY 7, 2004.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: General and Procedural Rules
 RULE CHAPTER NO.: 40B-1
 RULE TITLE: General
 RULE NO.: 40B-1.901

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the Notice of Intent to Construct a Minor Silvicultural Surface Water Management System Pursuant to Rule 40B-400.500, F.A.C. The effect of the proposed rule amendment is to provide District staff with better information. In addition, the amended form will better communicate to the applicant the types of activities authorized by the noticed general permit.

SUMMARY: The proposed rule development is to update the application form for noticed general permit for minor silvicultural activities.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001, 1(800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT DISTRICT HEADQUARTERS UPON REQUEST.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1
 RULE TITLE: Delegation of Authority
 RULE NO.: 40D-1.1002

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to streamline the variance and waiver process to allow the Executive Director or other Executive staff to take final action on requests for a variance or waiver under Chapter 40D-22, F. A.C., Year-Round Water Conservation Measures.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking adds language to Rule 40D-1.1002, F.A.C., delegating authority to take final action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C., to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data. Currently, all requests for a variance or waiver pursuant to Rule 40D-22.303, F.A.C., are first acted upon by the Executive Director and then go to the Board for final action. This rulemaking will delegate the Governing Board's authority to certain Executive staff.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.1002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data the authority to take final agency action petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

(3)(2) No change.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02.

LAND AND WATER ADJUDICATORY COMMISSION

Concord Station Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Concord Station Community 42UU-1
Development District

RULE TITLES: RULE NOS.:

Establishment 42UU-1.001

Boundary 42UU-1.002

Supervisors 42UU-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Concord Station Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Concord Station, LLC, requests the Commission establish a community development district located within unincorporated Pasco County, Florida. A Notice of Receipt of Petition for the Concord Station Community Development District was published in the March 12, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,003 acres. A general location map is contained as Exhibit A to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The area of land within the proposed District is part of a planned community. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer facilities, storm water management, on-site boulevard improvements, off-site improvements, hardscape/landscape and a community center.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Concord Station Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED IN WRITING BY MAY 21, 2004 AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., Friday, May 28, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE. IS: Mark Straley, Akerman Senterfitt, 100 S. Ashley Drive, Suite 1500, Tampa, Florida, (813)223-7333 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

LAND AND WATER ADJUDICATORY COMMISSION

Tern Bay Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Tern Bay Community Development District 42VV-1

RULE TITLES: RULE NOS.:

Establishment 42VV-1.001

Boundary 42VV-1.002

Supervisors 42VV-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Tern Bay Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Tern Bay Development Co., LLC, requests the Commission establish a community development district located within the unincorporated area of Charlotte County, Florida. The land area proposed to be served by the District comprises approximately 1,788.97 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. All lands proposed to be included in the District are designated as Mixed Use Development of Regional Impact on the Charlotte County Future Land Use Map. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, street lighting, water and wastewater, surface water management, landscaping and security walls, and park and recreational facilities.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Tern Bay Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED IN WRITING BY MAY 21, 2004 AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., Friday, May 28, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Geri L. Waksler, Moore and Waksler, P.L., 1107 West Marion Avenue, Suite 1112, Punta Gorda, Florida 33950, (941)637-1955; Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLES:	RULE NOS.:
Licensure, Administration and Fiscal Management	59A-4.103
Facility Policies	59A-4.106
Nursing Services	59A-4.108
Assistance with Eating	59A-4.1085
Dietary Services	59A-4.110
Risk Management and Quality Assurance	59A-4.123
Liability Claims	59A-4.1235
Evaluation of Nursing Homes and Licensure Status	59A-4.128
Respite Care	59A-4.1285
Exception	59A-4.1288
Additional Standards for Homes That Admit Children 0 Through 20 Years of Age	59A-4.1295
Geriatric Outpatient Nurse Clinic	59A-4.150
Nursing Home Guide	59A-4.165
Nursing Home Consumer Satisfaction Survey	59A-4.166

PURPOSE AND EFFECT: The Agency proposes to amend Rules 59A-4.103, 59A-4.106, 59A-4.108, F.A.C., establish rule 59A-4.1085, F.A.C., amend Rules 59A-4.110, 59A-4.123, F.A.C., establish Rule 59A-4.1235, F.A.C., amend Rule 59A-4.128, F.A.C., establish Rule 59A-4.1285, F.A.C., amend Rules 59A-4.1288, 59A-4.1295, 59A-4.150, 59A-4.165, F.A.C. and repeal Rule 59A-4.166, F.A.C., consistent with provisions of Section 400.23, F.S. that became effective July 1, 1999 and May 15, 2001. The legislation provides for licensure fees; establishing criteria for facility policies; establishing criteria of nursing services; establishing an assistance with eating program; establishing dietary services; establishing risk management and quality assurance; documentation for liability

claims; amending criteria when evaluating nursing homes and licensure status; establishing respite care program; amending exceptions; establishing additional standards for homes that admit children 0 through 20 years of age; establishing criteria pertaining to geriatric outpatient nurse clinics; amending criteria regarding the nursing home guide; and deleting the nursing home consumer satisfaction survey.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to Chapter 59A-4, Florida Administrative Code include: methodology for withdrawing licenses issued when licensure fees are returned to the agency due to insufficient funds (Rule 59A-4.103, F.A.C.); stating criteria of a do not resuscitate order (DNRO) (Rule 59A-4.106, F.A.C.); posting names of direct staff on duty by shift and share programming and staff of Gold Seal facilities and facilities with a standard license that are part of a continuing care facility or a retirement community (Rule 59A-4.108, F.A.C.); establish new rules involving assistance with eating (Rule 59A-4.1085, F.A.C.); stating criteria of the Director of Food Service (Rule 59A-4.110, F.A.C.); adverse incident reporting (Rule 59A-4.123, F.A.C.); establishing methodology regarding liability claims (Rule 59A-4.1235, F.A.C.); deleting reference of deficiencies as measured in terms of scope and severity (Rule 59A-4.128, F.A.C.); establish new rules involving respite care (Rule 59A-4.1285, F.A.C.); stating criteria in the area of exceptions (Rule 59A-4.1288, F.A.C.); setting criteria when expanding or initiating services to pediatric residents (Rule 59A-4.1295, F.A.C.); deleting various definitions (Rule 59A-4.150, F.A.C.); setting a time period (Rule 59A-4.165, F.A.C.); and deleting reference to a nursing home consumer satisfaction survey (Rule 59A-4.166, F.A.C.).

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.142, 400.23 FS.

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

TIME AND DATE: 10:00 a.m., May 27, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Kelly, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLES:	RULE NOS.:
Records Required to Maintain the Designation Formula for Compliance With Required Percentage of Gross Food Sales Revenues For Percentage of Gross Alcohol Sales for Consumption on the Licensed Premises Revenue Formula	61A-7.006
Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages	61A-7.007
	61A-7.008
	61A-7.009

PURPOSE AND EFFECT: To implement statutory provisions relating to the Florida Clean Indoor Air Act and smoking in stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject areas addressed are access to records by division employees, formula used to determine compliance, formula used to determine percentage of gross alcohol sales revenue and the method used to determine whether an establishment is predominantly dedicated to the serving of alcoholic beverages.

SPECIFIC AUTHORITY: 386.2125, 386.207 FS.

LAW IMPLEMENTED: 386.203, 386.206, 386.207, 561.695 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: Michael A. Martinez, Chief Attorney, Office of General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1020, (850)414-8125

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.006 Records Required to Maintain the Designation.

(1) Stand-alone bars holding an “ss” or “ssf” designation shall maintain records to substantiate reports, affidavits and designation qualifications. Records of all purchases of food, all gross retail sales of alcohol for consumption on the licensed premises, all gross retail sales of alcohol for consumption off the licensed premises, all gross retail sales of food sold for consumption on premises, all gross retail sales of food sold for consumption off the premises, and gross revenue from all other sales shall be separately documented.

(2) Each business licensed for consumption of alcoholic beverages on premises and electing to allow smoking on those premises shall maintain complete and accurate records of all

sales. Records shall include, but are not limited to, purchase invoices, sales tickets, inventory records, receiving records, cash register journal tapes, on premises food sales records, computer records generated from automatic dispensing devices, and any other record documenting sales. Department of Revenue Sales Tax Returns are acceptable as a record of total monthly sales revenues.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6), 561.695(7) FS. History—New _____.

61A-7.007 Formula for Compliance With Required Percentage of Gross Food Sales Revenues.

In order to determine compliance, the division shall use the formula of gross food sales revenue from the sale of food the licensee sells for consumption on premises, including but not limited to non-alcoholic beverages, divided by gross total sales revenue, in any consecutive two month period. The results of the formula will represent the percentage of food sales revenues as defined herein and in Section 561.695, Florida Statutes.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.008 For Percentage of Gross Alcohol Sales for Consumption on the Licensed Premises Revenue Formula.

In order to determine compliance, the division shall use the formula of gross alcohol sales revenues from the sale of alcohol the licensee sells for consumption on premises, divided by gross total sales revenue, in any consecutive two month period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.009 Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages for consumption on the licensed premises, the division shall compare the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises with the following categories of revenue: the percentage of gross food sales revenue from the sale of food the licensee sells for consumption on premises, the percentage of gross food sales revenue from the sale of food the licensee sells for consumption off premises, the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises; and the percentage of gross revenue from any source not included in the food and alcohol categories above. If the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises is greater than that

of the gross food sales revenue from any other aforementioned category of gross sales, an establishment is deemed predominantly dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1),(9) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES: RULE NOS.:

Certification and Registration of Business Organizations 61G4-15.0021
 Requirements for Certification and Registration 61G4-15.005

PURPOSE AND EFFECT: The Board proposes the development of Rule 61G4-15.0021, F.A.C., to consider when a financially responsible officer is required. The Board proposes the development of Rule 61G4-15.005, F.A.C., to require applicants to provide criminal history.

SUBJECT AREA TO BE ADDRESSED: Certification and Registration of Business Organizations; and Requirements for Certification and Registration.

SPECIFIC AUTHORITY: 489.108, 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.105, 489.107, 489.113(1), 489.115, 489.115(5),(6), 489.119, 489.1195, 489.129(1), 489.132(5), 489.143 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Certification of Speciality Structure Contractors 61G4-15.015

PURPOSE AND EFFECT: The Board proposes the development of rule to determine whether amendments may be necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule review addresses the certification of and the scope of practice for speciality structure contractors.

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(4) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Normal Penalty Ranges 61G4-17.001

PURPOSE AND EFFECT: The Board proposes the development of rule to increase the penalties.

SUBJECT AREA TO BE ADDRESSED: Normal Penalty Ranges.

SPECIFIC AUTHORITY: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Required Records Maintained by Course Providers 61G4-18.007

PURPOSE AND EFFECT: The Board proposes the development of rule to consider additional definition of access log.

SUBJECT AREA TO BE ADDRESSED: Required Records Maintained by Course Providers.

SPECIFIC AUTHORITY: 455.2123, 455.213(6), 455.2177, 455.2178, 489.108, 489.115(4)(b) FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 489.115(4)(b) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE CHAPTER TITLE: Minimum Technical Standards RULE CHAPTER NO.: 61G17-6

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine if amendments or new rules are required.

SUBJECT AREA TO BE ADDRESSED: Minimum Technical Standards.

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 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: John Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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 Medicine

RULE TITLES: Disciplinary Guidelines Reinstatement of License RULE NOS.: 64B8-8.001 64B8-8.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address appropriate disciplinary guidelines and reinstatement of licensure.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and licensure reinstatement.

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.079, 458.309, 458.331 FS.

LAW IMPLEMENTED: 456.013(6), 456.0375(4)(c), 456.072, 456.079, 458.331 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.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citation Authority RULE NO.: 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address verification of profiling information and failure to pay fines and costs imposed by Final Order.

SUBJECT AREA TO BE ADDRESSED: Violations appropriate for citations.

SPECIFIC AUTHORITY: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077 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: 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:

64B8-8.017 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a

substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the Department to pay the costs of investigation. The form to be used is specified in rules of the Department of Health.

(2) If the violation constitutes a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) through (i) No change.	
(j) Failure to verify the content of practitioner's profiling information pursuant to Section 456.041(7), F.S.	\$100 per day fine not to exceed \$1,000
(j) through (k) renumbered (k) through (l) No change.	
(m)(4) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs (failure to pay more than 30 days after the due date citation will result in an administrative complaint).	\$1000 fine 10% of the fine and/or costs imposed, fine and costs
(m) through (n) renumbered (n) through (o) No change.	
(4) through (7) No change.	

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History--New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Practice Regarding Do Not Resuscitate (DNR) Orders
 RULE NO.: 64B8-9.016
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address proper physician practice with regard to DNR orders.
 SUBJECT AREA TO BE ADDRESSED: Appropriate practice by physicians with regard to DNR orders.
 SPECIFIC AUTHORITY: 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 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: 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:

64B8-9.016 Physician Practice Standard Regarding Do Not Resuscitate (DNR) Orders.

Resuscitation may be withheld or withdrawn from a patient by a treating physician licensed pursuant to Chapter 458, F.S., if evidence of an order not to resuscitate by the patient's physician is presented to the treating physician. An order not to resuscitate, to be valid, must be on the form as set forth in Section 401.45, F.S. The form must be signed by the patient's physician and by the patient, or, if the patient is incapacitated, the patient's health care surrogate, or proxy as provided in Chapter 765, F.S.; court appointed guardian as provided in Chapter 744, F.S.; or attorney in fact under a durable power of attorney as provided in Chapter 709, F.S. The court appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.

Specific Authority 458.331(1)(v) FS. Law Implemented 458.331(1)(v) FS. History--New_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Death Benefits
 RULE CHAPTER NO.: 69A-64
 RULE TITLE: Adjustments to Reflect Consumer Price Index
 RULE NO.: 69A-64.005
 PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2004-2005.
 SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.
 SPECIFIC AUTHORITY: 112.191 FS.
 LAW IMPLEMENTED: 112.191 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 (IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD).
 TIME AND DATE: 9:00 a.m., May 24, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Kimberly Riordan, (850)413-3170.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment. The amounts payable for the period from July 1, ~~2004~~ ~~2003~~ through June 30, ~~2005~~ ~~2004~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2004~~ ~~2003~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$52,375.50~~ ~~\$51,138~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$157,126.50~~ ~~\$153,415~~.

(2) No change.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	69O-170.005
Rate Manual Filings and Revisions	69O-170.006
Annual Rate Filings	69O-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	69O-170.013
Actuarial Memorandum	69O-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	69O-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	69O-170.0141

Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	69O-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice Forms	69O-170.0143 69O-170.0155

PURPOSE AND EFFECT: The rules are being amended to:

- Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office’s processing of incomplete filings;
- Delete outdated language and mandate electronic filing;
- Add specific filing details for medical malpractice coverage.
- Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

SUBJECT AREA TO BE ADDRESSED: Property and casualty insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 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., May 26, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE:	RULE NO.:
Insurer Experience Reporting – Calendar Year Experience	69O-171.008

PURPOSE AND EFFECT: The rule is being amended to adopt updated forms.

SUBJECT AREA TO BE ADDRESSED: Updated forms.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.915(2),(6), 627.918(1) 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., May 26, 2004

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: Eric Lingswiler, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, e-mail: lingswilere@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 NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Motor Vehicle Insurance Ratemaking and Rate Filing Procedures

RULE NO.: 690-175.003

PURPOSE AND EFFECT: The rules are being amended to: Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office's processing of incomplete filings; Delete outdated language and mandate electronic filing; Update and adopt rate filing forms.

SUBJECT AREA TO BE ADDRESSED: Motor vehicle insurance rate filing procedures.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 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., May 26, 2004

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, E-mail Dinof@dfs.state.fl.us.

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
General Reporting Requirements	690-189.001
Workers' Compensation: Application and Audit Procedures	690-189.003
Deviation Filing Information	690-189.004
Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance	690-189.007
Workers' Compensation Rating Plan for Managed Care Premium Credits	690-189.014

PURPOSE AND EFFECT: The amendments: Address outdated provisions which are no longer applicable; Update address and electronic filing requirement language; Update forms; and Update the rule governing deviation filings to conform to current statutes.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation.

SPECIFIC AUTHORITY: 440.381, 624.308(1), 627.215 FS.

LAW IMPLEMENTED: 440.105(4)(b)5., 440.134, 440.381, 624.307, 624.307(1), 624.461, 624.482, 626.9541(1)(a),(b),(c), 627.091, 627.101, 627.191, 627.211, 627.215, 627.914(5)(b), 627.918(1) 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., May 26, 2004

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, Office of Insurance Regulation, e-mail: 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 Department at least 5 calendar days before the program by contacting the person listed above.

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: RULE NO.:

Definitions of Terms 6E-1.003

PURPOSE AND EFFECT: The Commission proposes this amendment to add new terms that define the foreign medical school affiliation agreement, adequate laboratory and clinical library facilities, and parent medical schools.

SUMMARY: The proposed rule amendment adds new terms that define the foreign medical school affiliation agreement, adequate laboratory and clinical library facilities, and parent medical schools.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) No change.

(2) Adequate clinical clerkship library facilities – Comprehensive resource and information facility sufficient in size, current breadth of holdings and information technology to support its medical education.

(3) Adequate laboratory facilities – Industry standard facilities that allow students to engage in scientific research, testing and diagnostic evaluation.

(2) through (25) renumbered (4) through (27) No change.

(28) Foreign Medical School Affiliation Agreement – A signed statement between a teaching hospital and a foreign medical school in which the teaching hospital agrees to make its resources available to a foreign medical school in order for the foreign medical school to offer its educational program at the hospital.

(26) through (37) renumbered (29) through (40) No change.

(41) Parent Medical schools-The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.

(38) through (45) renumbered (42) through (49) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History–Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES: RULE NOS.:

Standards and Procedures for Licensure 6E-2.004

Actions Against a Licensee; Penalties 6E-2.0061

PURPOSE AND EFFECT: The Commission proposes these rule amendments to make the rule parallel to the statute that doesn't require the submission of continuing education, to clarify the parameters of program name and the requirements for continuing education for faculty, and to set forth aggravating or mitigating circumstances.

SUMMARY: The proposed Rule 6E-2.004, F.A.C., clarifies the parameters of program name and the requirements for continuing education for faculty and makes the rule parallel to the statute that doesn't require the submission of continuing education. The proposed Rule 6E-2.0061, F.A.C., adds language to include aggravating or mitigating circumstances, when imposing discipline.