

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

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

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.

Due to hurricane Jeanne the Rule Development Workshop scheduled for September 25, 2004 was cancelled.

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

TIME AND DATE: 9:00 a.m., October 23, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Human Resource Management and Development  
 RULE NO.: 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

Due to hurricane Jeanne the Rule Development Workshop scheduled for September 25, 2004 was cancelled.

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

TIME AND DATE: 9:00 a.m., October 23, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Use of Inmates in Public Works  
 RULE NO.: 33-601.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for conducting criminal history background checks on prospective non-department supervisors of inmate work crews, and to specify the types of inmates who may only be supervised by department personnel.

SUBJECT AREA TO BE ADDRESSED: Use of inmates in public works.

SPECIFIC AUTHORITY: 944.09, 946.40(1) FS.

LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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:

33-601.202 Use of Inmates in Public Works.

(1) through (3) No change.

(4) Inmates in the following categories shall be supervised by Department of Corrections employees only:

(a) Those who are classified as close or medium custody;

(b) through (5) No change.

(6) For each person not an employee of the Department of Corrections, who is to supervise inmates under this rule, the ~~assistant warden or designee contracting body or organization shall conduct complete a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) system criminal history background check. The contracting body or organization shall submit, in writing, a report stating that such person has not been convicted of a crime, or if convicted, the date and nature of the crime and the disposition of the criminal charges. The report shall also include a statement from the contracting body or organization that the person is capable of supervising inmates.~~

(7) through (9) No change.

Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History--New 6-20-84, Formerly 33-3.17, Amended 2-27-86, 10-31-86, 1-28-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow RULE CHAPTER NO.: 40D-8

RULE TITLE: Guidance and Minimum Levels for Lakes RULE NO.: 40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Crescent Lake, Horse Lake, Lake Pretty, Lake Taylor, Lake Wimauma in Hillsborough County, Florida, and Middle Lake in Pasco County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:30 p.m., Thursday, October 28, 2004

PLACE: District's Tampa Service Office, 7601 U.S. Highway 301, N., Tampa, FL 33637

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Extension 4658, TDD only 1(800)231-6103.

WHAT: Public workshop on proposed minimum and guidance levels for Crescent Lake, Horse Lake, Lake Pretty, Lake Taylor, Lake Wimauma in Hillsborough County, Florida, and Middle Lake in Pasco County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource

Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Projects RULE NO.: 59C-1.004

Subject to Batch and Expedited Review PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines the projects subject to certificate of need (CON) batch and expedited review. The rule incorporates statutory changes to these two types of CON reviews, clarifies who may submit an application for expedited CON review and clarifies what the 30-mile radius is for an inactively licensed nursing home. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that outlines two types of certificate of need review. SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS. LAW IMPLEMENTED: 408.036(1),(2) FS.

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

TIME AND DATE: 2:00 p.m. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.004 Certificate of Need Application Projects Subject to Batch and Expedited Review.

(1) Projects Subject to a Comparative Review. ~~Unless subject to expedited review under subsection 408.036(2), F.S., and subsection (2) of this rule, or exempted under subsection 408.036(3), F.S., and Rule 59C-1.005, F.A.C.,~~ the following projects are subject to comparative review and the batching cycle procedures specified in Rule 59C-1.008, F.A.C., and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(3), F.A.C.:

(a) The addition of beds in community nursing homes or intermediate care facilities for the developmentally disabled (ICF/DD), by new construction or alteration unless exempt pursuant to paragraph 408.036(3)(s), F.S.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site or within one mile of as the existing health care facility, if the number of beds in each licensed bed category will not increase and unless exempt pursuant to paragraph 408.036(3)(p), F.S.

(c) The conversion from one type of health care facility to another, including the conversion of a general hospital, a specialty hospital, or a long-term care hospital.

(d) An increase in the total licensed bed capacity for comprehensive rehabilitation unless exempt under paragraph 408.036(3)(i), F.S. of a health care facility.

(e) The establishment of a hospice or hospice inpatient facility, except as provided in Section 408.043, F.S.

(f) The establishment of inpatient tertiary health services by a health care facility, or a substantial change in such services.

(g) An increase in the number of beds for acute care, in a hospital that is located in a low-growth county as defined in paragraph 408.036(3)(g), F.S. specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, hospital-based distinct part skilled nursing units, nursing home care, or at a long term care hospital.

(h) The establishment of tertiary health services.

(2) Projects Subject to Expedited Review. Unless reviewable under (1) above or exempted under subsection 408.036(3), F.S., the following projects are subject to expedited review, and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(4), F.A.C.:

(a) Sheltered nursing home beds.

~~(b) Replacement of a health care facility at a site different from the existing facility, provided the site is located in the same district and within a 1-mile radius of the existing facility.~~

~~(c) Research, education and training programs.~~

~~(d) Shared services contracts or projects.~~

~~(b)(e) Transfer of a certificate of need except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.~~

~~(f) Conversion of hospital beds licensed for mental health services, a distinct part skilled nursing unit, or general acute care, as described in s. 408.036(2)(f), F.S.~~

(c) Replacement of a nursing home within the same district, if the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

1. In the case of nursing homes with inactive licenses, the facility address shall be considered the geographic area containing at least 65 percent of the facility's current residents.

2. The nursing home license holder is the only entity that may submit the application to replace the nursing home, pursuant to paragraph 59C-1.008(1)(h), F.A.C.

(d) Relocation of a portion of the nursing home's licensed beds to a facility within the same district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

1. Applications submitted under this paragraph may be accepted from entities other than the license holder. When that is the case, the entity submitting the application must provide a notarized letter from an individual listed as owner of the entity which hold the nursing home license as identified in agency licensure records that indicates that he or she is in agreement with the proposal and certifies that beds will be delicensed at the licensed nursing home should the CON be awarded to the non-licensed applicant.

2. The relocation of beds under this paragraph may not represent more than 65 percent of the number of community beds at the licensed facility.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.036(1),(2) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, Formerly 10-5.04, Amended 11-24-86, 11-17-87, 1-31-91, 1-1-92, Formerly 10-5.004, Amended 9-9-92, 1-9-95, 11-4-97, 12-12-00, 11-12-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Project Specific Certificate of Need

RULE NO.: 59C-1.0085

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Application Procedures  
The agency is proposing to amend the rule currently used to describe certain types of applications including transfer, shared service, and mental health conversions. The amended rule removes requirement for hospitals to submit transfer applications, for expedited shared service applications, clarifies conversion requires for mental health services located at the same facility and amends the minimum fee required for application submission. A preliminary draft of the rule is included in this Notice.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.  
LAW IMPLEMENTED: 408.033, 408.034, 408.035, 408.036, 408.037(2), 408.038, 408.039, 408.042 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. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0085 Project Specific Certificate of Need Application Procedures.

In addition to the requirements set forth in Rule 59C-1.008, F.A.C., the following requirements apply to the projects described below:

(1) No change.

(a) An application to transfer a certificate of need is subject to an expedited review, as specified in Section 408.036(2)(a)(~~e~~), F.S., except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.

(b) No change.

(c) The application fee for transfer of a certificate of need is ~~\$10,000~~ 5,000 provided there is no increase in the project cost approved for the certificate of need that is being transferred. The filing fee for a transfer involving an increase in the project cost shall be calculated based on the amount of increase in accordance with Section 408.038, F.S., and paragraph 59C-1.008(3)(a), F.A.C.

(d) A transfer application is required if the intended licensee or operator for approved nursing home beds in a combined certificate of need, as authorized by an exemption under Section 408.036(3)(g)(~~h~~), F.S., will be an entity other than the holder of any of the uncombined certificates of need.

(e) A transfer application is required if the intended licensee or operator for the approved nursing home beds included in a component or components of a divided certificate of need, as authorized by an exemption under Section 408.036(3)(h)(~~m~~), F.S., will be an entity other than the holder of the undivided certificate of need.

(f) through (h) No change.

(2) Conversion of licensed mental health ~~hospital~~ beds. As provided in Section 408.036(5)(c)(2)(~~f~~), F.S., notification to the agency an expedited review is applicable for hospital projects proposing to increase ~~the licensed capacity of acute care beds or~~ the licensed capacity of a category of mental health services beds through conversion of other mental health specified beds at the same hospital.

(a) Mental health beds include adult and child/adolescent psychiatric beds and adult and child/adolescent substance abuse beds. ~~Conversion under this subsection may not establish a new licensed bed category at the hospital.~~

~~(b) Licensed acute care bed capacity may be increased under this subsection through:~~

~~1. Conversion of beds in one or more of the categories of licensed mental health services beds; or~~

~~2. Conversion of distinct part skilled nursing unit (SNU) beds.~~

~~(e) Licensed bed capacity in a category of mental health services beds may be increased under this subsection through:~~

~~1. Conversion of beds in one or more of the other categories of licensed mental health services beds; or~~

~~2. Conversion of acute care beds.~~

~~(b)(4) Conversions under this subsection shall not increase the total licensed bed capacity of the hospital.~~

~~(e) Beds added by conversion under this subsection must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.~~

(3) Shared service arrangement. Any application for a project involving a shared service arrangement is subject to a comparative review when the health service being proposed requires a Certificate of Need to implement and is not currently provided by any of the applicants, or an expedited review when the health service being proposed is currently provided by one of the applicants. Proposals for a shared service arrangement must be limited to hospitals located in the same service planning area, as defined by the agency and applicable for the service being proposed.

~~(a) The following factors are considered when reviewing applications for shared services where none of the applicants are currently authorized to provide the service:~~

~~(a)1-~~ Each applicant jointly applying for a new health service must be a party to a formal written legal agreement.

~~(b)2-~~ Certificate of Need approval for the shared service will authorize the applicants to provide the new health service as specified in the original application.

~~(c)3-~~ Certificate of Need approval for the shared service shall not be construed as entitling each applicant to independently offer the new health service. Authority for any party to offer the service exists only as long as the parties participate in the provision of the shared service.

~~(d)4-~~ Any of the parties providing a shared service may seek to dissolve the arrangement upon notice to the agency consistent with Section 408.036(5)(3)(~~h~~), F.S. If termination of the agreement occurs, all parties to the original shared service give up their rights to provide the service.

~~(e)5-~~ Parties seeking to provide the service independently in the future must submit applications in the next applicable review cycle and compete for the service with all other applicants.

~~(f)6-~~ All applicable statutory and rule criteria are met.

~~(b) The following factors are considered when reviewing applications for shared services when one of the applicants has the service:~~

~~1. A shared services contract occurs when two or more providers enter into a contractual arrangement to jointly offer an existing or approved health care service. A shared services contract must be written and legal in nature. These include legal partnerships, contractual agreements, recognition of the provision of a shared service by a governmental payor, or a similar documented arrangement.~~

~~a. Each of the parties to the shared services contract must contribute something to the agreement including but not limited to facilities, equipment, patients, management or funding.~~

~~b. For the duration of a shared services contract, none of the entities involved has the right or authority to offer the service in the absence of the contractual arrangement except the entity which originally was authorized to provide the service.~~

~~e. A shared services contract is not transferrable. New parties to the original agreement constitute a new contract and require a new Certificate of Need.~~

~~d. A shared services contract may encompass any existing or approved health care service. The following items will be evaluated in reviewing shared services contracts:~~

~~(I) The demonstrated savings in capital equipment and related expenditures;~~

~~(II) The health system impact of sharing services, including effects on access and availability, continuity and quality of care; and;~~

~~(III) Other applicable statutory review criteria.~~

~~e. A shared services arrangement may be terminated upon notice to the agency consistent with section 408.036(3)(l), F.S. If termination of the agreement occurs, the entity(ies) authorized to provide the service prior to the contract retains the right to continue the service. All other parties to the contract who seek to provide the service in their own right must request the service as a new health service and are subject to full Certificate of Need review as a new health service.~~

~~(4) No change.~~

~~(5) Reestablishment of an inpatient health service regulated under this Chapter. Reestablishment of a health service which was not offered continuously at a health care facility for the 12-month period prior to the proposed reestablishment is a substantial change in health services, and requires a certificate of need.~~

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.034(2),408.036(2), 408.037(2), 408.042 FS. History–New 1-31-91, Formerly 10-5.0085, Amended 10-18-95, 10-8-97, 12-12-00,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Review Procedures  
RULE NO.: 59C-1.010

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The agency is proposing to amend the rule currently used to describe the time frames and the certificate of need (CON) application process. The amended rule removes requirements for CON filing with Local Health Councils and clarifies what is required for applicants to certify that they will license and operate a health care facility or hospice. A preliminary draft of the rule amendments is included in this Notice.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 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. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.010 Certificate of Need Application Review Procedures.

(1) No change.

(2) General Provisions.

(a) Applications subject to comparative or expedited review shall be submitted to the agency ~~and the Local Health Council~~ on AHCA Form CON-1, as referenced in paragraph 59C-1.008(1)(f), F.A.C.

(b) Applications for projects involving an existing health care facility shall be filed by the current license holder as listed on the current agency license in effect at the time of the applicant omission deadline specified in subparagraph (3)(a)3. or (4)(d)3. of this rule, or the application shall be withdrawn from consideration. Applications submitted by corporations required to have filed incorporation papers or foreign corporation papers in order to do business in Florida must be able to do business in Florida prior to notifying the Agency of its intentions in a comparative review cycle or by the time it files an expedited applicaiton, if the project is subject to expedited review.

(c) No change.

(3) No change.

(a) No change.

1. through 2. No change.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. The applicant's response must be received by the agency no later than 5 p.m. local time on or before the omissions due date promulgated under paragraph 59C-1.008(1)(g), F.A.C. ~~The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.~~

(b) The agency shall deem the application complete or withdrawn within 7 calendar days of the receipt of the requested information. Subsequent to an application being deemed complete or withdrawn by the agency, no further application information or amendment will be accepted by the agency.

- (c) through (d) No change.
- (4) No change.
- (a) through (d) No change.
- 1. through 2. No change.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. ~~The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.~~

- (e) through (g) No change.
- (5) through (7) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033(1), 408.036(2), 408.039(3)(4) FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 12-23-82, Formerly 10-5.10, Amended 11-24-86, 11-17-87, 3-23-88, 8-28-88, 1-31-91, 7-1-92, 7-14-92, Formerly 10-5.010, Amended 10-8-97, 12-12-00, 4-2-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Dental Services  
RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule the January 2005 update to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook revisions include an updated fee schedule effective January 2005, program policy addressing the restoration of dental services to adult Medicaid recipients age 21 and over, and clarifications in orthodontic policies.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: 10:00 a.m., October 26, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, updated January 2005 ~~January 2004~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, \_\_\_\_\_.

**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 Osteopathic Medicine**

RULE TITLE: Continuing Education Requirements for Reactivation  
RULE NO.: 64B15-13.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify continuing education requirements for those who are reactivating licensure.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation.

SPECIFIC AUTHORITY: 459.009(1) FS.

LAW IMPLEMENTED: 459.009(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Standards of Practice for Surgery

RULE NO.: 64B15-14.006

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a process to be undertaken by the surgical/procedure team for the purpose of properly identifying the patient, procedure and correct site for the procedure prior to commencing any surgery/procedure.

SUBJECT AREA TO BE ADDRESSED: Implementation of a procedure for the proper identification of the patient, procedure, and correct site for the procedure, prior to commencing any surgery/procedure.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x),(z),(aa) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), F.S., and the delegation of duties restrictions of Section 459.015(1)(aa), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained allopathic or osteopathic physician

practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the surgical team has been gathered in the operating room and immediately prior to the initiation of any surgical procedure, the surgical team will pause and the operating physician will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, Florida Statutes, and shall be in addition to any other requirements that may be required by the office or facility.

(2) through (4) renumbered (3) through (5) No change.

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x),(z),(aa) 459.331(1)(x),(aa) FS. History--New 10-16-01, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Physician Practice Standard Regarding Do

RULE NO.:

Not Resuscitate (DNR) Orders 64B15-14.010

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: 459.015 (1)(z) FS.  
 LAW IMPLEMENTED: 459.015 (1)(z) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.010 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 459, 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 459.015(1)(z) FS. Law Implemented 459.015(1)(z) FS. History--New \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009

Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2005 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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., October 27, 2004

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmons, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEBSITE WWW.FLORIDAHOUSING.ORG.



**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the

Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2005 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2004 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 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., October 27, 2004

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEBSITE WWW.FLORIDAHOUSING.ORG.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLE: CURRICULUM STANDARDS FOR SPECIAL DESIGNATION

RULE NO.: 69B-211.320

PURPOSE AND EFFECT: The rule adds Professional Claims Adjuster (PCA) as a special designation for curriculum standards as established by the rule.

SUBJECT AREA TO BE ADDRESSED: Addition of Professional Claim Adjuster or a special designation for curriculum standards pursuant to Section 626.221, F.S.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 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: 9:30 a.m., October 28, 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 IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Continuing Education	69B-228
RULE TITLES:	RULE NOS.:
Purpose	69B-228.010
Scope	69B-228.020
Definitions	69B-228.030
Instructors and Supervising Instructors	69B-228.060
Course Approval; Requirements; Guidelines	69B-228.080
Licensee Compliance; Requirements;	
Penalties for Non-Compliance	69B-228.220

PURPOSE AND EFFECT: This rule amends the continuing education requirements for adjusters by expanding the scope of the rule to apply to all insurance adjusters rather than just to workers' compensation adjusters. The rule also adds membership in the Florida Bar with 2-year experience as a means of qualifying as a continuing education instructor.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for insurance adjusters.

SPECIFIC AUTHORITY: 624.308, 648.26 FS.

LAW IMPLEMENTED: 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 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: 9:30 a.m., October 28, 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 IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-228.010 Purpose.

The purpose of this rule chapter is to establish requirements and standards for continuing education courses and records for persons:

(1) No change.

(2) Licensed to adjust insurance workers' compensation claims in this state; and

(3) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816, 626.2816(2), 626.869(5) FS. History—New 8-17-93, Amended 4-29-01, \_\_\_\_\_.

69B-228.020 Scope.

(1) This rule chapter shall apply to:

(a) No change.

(b) All licensed adjusters ~~who engage in adjusting workers' compensation claims;~~

(c) through (d) No change.

(2) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.869(5), 648.385 FS. History—New 8-17-93, Amended 4-29-01, \_\_\_\_\_.

69B-228.030 Definitions.

For purposes of these rules, the following definitions shall apply:

~~(1)(a) "Adjusting workers' compensation claims" means any of the following activities in connection with a workers' compensation claim:~~

~~1. Direct contact with the injured worker;~~

~~2. Preparing or signing reports;~~

~~3. Investigating;~~

4. Determining compensability, payment of medical bills, requiring medical examinations, or similar activity;

5. Supervising the adjuster who is in direct contact, signs reports, investigates and determines compensability; or

6. Reviewing or exercising any control of a workers' compensation claim.

(b) The term does not include:

1. Any activities for which adjuster licensure is not required; or

2. An all lines adjuster who handles only federal benefits under federal jurisdiction issued as an exclusive federal policy.

(2) through (9) renumbered (1) through (8) No change.

(9)(10) "Course" shall mean any of the following which have been approved by the Department for the purpose of complying with continuing education requirements:

(a) Any class or seminar for:

1. through 2. No change.

3. Adjusters who handle workers' compensation claims,

4. through 5. No change.

(b) Any self-study program for:

1. No change.

2. Limited surety agents, or

3. Professional bail bond agents, or

4. Adjusters.

(11) through (45) renumbered (10) through (44) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816(2),(3), 626.869(5), 648.26, 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01,\_\_\_\_\_.

69B-228.060 Instructors and Supervising Instructors.

(1) Continuing Education Courses. Instruction in continuing education courses shall be provided by instructors who possess the following qualifications:

(a) For agent, and customer representative, and adjuster courses, at least 2 of the following:

1. through 5. No change.

6. Membership in the Florida Bar Association with minimum of 2 years of law practice or counsel in the subject area being taught.

(b) For workers' compensation adjuster courses, at least 2 of the following:

1. A minimum of 5 years of substantially full-time working experience in the subject matter being taught.

2. Completion of a course, with a minimum of 40 hours of instruction, designed to provide instruction regarding training techniques or methods of instructing adults as certified by a nationally recognized course provider whose purpose is to review, evaluate, and rate such courses.

3. A professional designation from a recognized industry association in the line of business of the subject being taught.

4. Membership in the Florida Bar Association with minimum of two years of law practice or counsel in the subject area being taught.

5. A degree from an accredited school in the subject matter being taught.

(b)(e) No change.

(2) through (8) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01,\_\_\_\_\_.

69B-228.080 Course Approval; Requirements; Guidelines.

(1) through (2) No change.

(3) The following are not eligible course topics or courses for continuing education:

(a) through (d) No change.

(d) Courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the products relates to the sales promotion or marketing of one or more of the products discussed;

(e) Self-study courses for adjusters who handle workers' compensation claims.

(4) through (6) No change.

(7)(a) No change.

(b) Courses for adjusters who handle workers' compensation claims will not be approved for more than 24 hours of credit per course regardless of total class hours, or number of consecutive sessions in a seminar, or volume of text required for self-study.

(c) through (d) No change.

(8) through (9) No change.

(10) Seminar Courses; Supplemental Requirements.

(a) through (d) No change.

(e) A resume shall be filed with the course application for each speaker of a session or workshop of an agent, customer representative, workers' compensation adjuster, or bail bond course application for the seminar study method. If the speakers change for each offering, new speaker resumes shall be sent to the Department to be filed in the course application file.

(f) For agent, customer representative, and workers' compensation adjuster seminar courses, if only speakers are used to present the material, the school official shall qualify as an instructor and shall file a Certification of Instructor Form.

(g) through (h) No change.

(11) through (13) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20), 626.2815, 626.869(5), 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01,\_\_\_\_\_.

69B-228.220 Licensee Compliance; Requirements; Penalties for Non-Compliance.

(1) through (4) No change.

(5) Except as otherwise stated in this rule, credit shall be earned in the line of business for which the licensee is licensed.

(a) through (b) No change.

(c) Adjusters ~~who handle workers' compensation claims~~ shall earn credits in courses on adjusting workers' compensation subjects.

(d) through (t) No change.

(u) Persons who adjust ~~workers' compensation~~ claims who are also licensed as a life, health, property and casualty, industrial fire, surplus lines, or title agent, bail bond agent, or as a customer representative or limited customer representative shall earn, in addition to the hours required for the agent or customer representative license, the total required hours for:

1. through 2. No change.

(v) through (x) No change.

(y) Credits earned by adjusters to satisfy the requirements of 24 hours of credit shall be earned as follows:

1. No change.

2. Ten hours in ~~workers' compensation~~ law and policy;

3. Twelve hours in optional approved adjusting workers' compensation subjects or additional hours in ~~workers' compensation~~ law and policy, or ethics.

~~4. Workers' compensation law and policy courses shall cover the requirements for benefits as found in Florida Statutes or Florida Administrative Code.~~

~~(z)1. All lines adjusters who handle workers' compensation claims are required by Section 626.869, Florida Statutes, and this rule chapter to earn 24 hours of continuing education credit in Florida approved classroom courses.~~

~~2. Any adjuster to whom this rule applies who also holds an agent's license shall meet each requirement separately.~~

~~3. Credits shall not be credited to both requirements from the same course.~~

(aa) through (gg) renumbered (z) through (ff) No change.

(6) No change.

(7) Non-Resident Certification.

(a)~~1~~. Non-resident licensees who reside in a state that requires continuing education and that has a reciprocal agreement with Florida for continuing education may comply with Florida's continuing education requirement by meeting their home state's requirement and by submitting a properly completed Form DI4-463, Nonresident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., with supporting documentation attached as prescribed in the form.

~~(b)2~~. Non-resident licensees who do not reside in a state that requires continuing education or that does not have a reciprocal agreement with Florida, but who are licensed in another state that does have a continuing education requirement and a reciprocal agreement with Florida, may

comply with Florida's continuing education requirement by meeting that state's continuing education requirement and by submitting a properly completed Form DI4-463, Non-resident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., from that state with supporting documentation attached as prescribed in the form.

~~(b) Nonresident adjusters who handle workers' compensation claims shall complete the total required hours of credit in Florida approved classroom courses or seminars for workers' compensation adjusters.~~

(8) through (12) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS. History--New 8-17-93, Amended 4-11-94, 4-29-01,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:

Marketing Communication Material 69O-149.041  
and Marketing Guidelines

PURPOSE AND EFFECT: The purpose is to update new and renewal policies for the Basic and Standard Health policies. It changes the dates from 1995 to 2003 in order to comply with an Order, 69745-03-CO, issued on July 25, 2003.

SUBJECT AREA TO BE ADDRESSED: Basic and Standard Health policies.

SPECIFIC AUTHORITY: 626.9611, 627.6699(13)(i),(16) FS.

LAW IMPLEMENTED: 626.9541(1)(b),(g)2.,(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12)(c),(13)(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: 1:30 p.m., October 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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-149.041 Marketing Communication Material and Marketing Guidelines.

(1) No change.

(2) Any insurer marketing small group health plans shall comply with the following guidelines:

(a) through (c) No change.

(d) New and renewal policies for the Basic and Standard policies issued on or after August 1, 2003, May 1, 1995, must include the ~~1995~~ Basic and Standard Health Benefit Plans approved by Order 69745-03-CO signed by the Director on July 25, 2003, (OIR B2-95) pursuant to Section 627.6699(12), F.S., which is incorporated herein by reference and can be obtained from the Office's website at: [http://www.fldfs.com/companies/pdf/Small\\_Group\\_Order\\_7-2\\_5-03\\_pdf](http://www.fldfs.com/companies/pdf/Small_Group_Order_7-2_5-03_pdf) and benefit plans and schedule of benefits at: [http://www.fldfs.com/companies/lh\\_fr/is\\_LHFR\\_Small\\_Emp\\_Benefit\\_Plan.htm](http://www.fldfs.com/companies/lh_fr/is_LHFR_Small_Emp_Benefit_Plan.htm) ~~Bureau of Life and Health Forms and Rates.~~

(e) through (f) No change.

Specific Authority 626.9611, 627.6699(13)(i), (16) FS. Law Implemented 626.9541(1)(b),(g)2.,(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12)(c),(13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.041, Amended

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:  
 Categories of Reserves 690-154.203  
 Specific Minimum Standards for Morbidity,  
 Mortality and Interest 690-154.204

PURPOSE AND EFFECT: Make modifications to the established basis for determining adequacy of an insurers' health insurance reserves; especially related to long-term care individual policies.

SUBJECT AREA TO BE ADDRESSED: Companies licensed to write life and health insurance.

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 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: 9:30 a.m., October 28, 2004

PLACE: Room 142, 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 Office 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 IS: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: [krantz@dfs.state.fl.us](mailto:krantz@dfs.state.fl.us)

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:  
 Adoption of 2001 Commissioners Standard  
 Ordinary (CSO) Mortality Tables 690-162.201  
 Adoption of 2001 Commissioners Standard  
 Ordinary (CSO) Ultimate Mortality Tables  
 For Determining Reserve Liabilities  
 for Credit Life Insurance 690-162.202

PURPOSE AND EFFECT: These rules are being amended to provide for the adoption of the 2001 Commissioners Standard Ordinary Mortality Tables as provided in CS/CS SB 2038. It is proposed that these rules become effective January 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Provide criteria for the use of the Standard Mortality Tables adopted by the NAIC.

SPECIFIC AUTHORITY: 624.308(1), 625.121, 627.476 FS.

LAW IMPLEMENTED: 624.307(1), 625.121, 627.476 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: 10:00 a.m., October 27, 2004

PLACE: Room 142, 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 Office 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: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: [krantz@dfs.state.fl.us](mailto:krantz@dfs.state.fl.us)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:  
 Valuation of Life Insurance Policies 690-164.020

PURPOSE AND EFFECT: To implement the 2001 Standard Ordinary Mortality Tables into these rules applicable to the Valuation of Life Insurance Policies.

SUBJECT AREA TO BE ADDRESSED: Incorporating by reference the 2001 Standard Ordinary Mortality Tables adopted by the NAIC.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5)(j) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5)(j) 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: 10:00 a.m., October 27, 2004  
PLACE: Room 142, 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 Office 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: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: krantzk@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE TITLE: Standards  
RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards.

SUMMARY: Proposed Rule 5F-10.001, F.A.C., will adopt the most recent versions of the American Society for Testing and Materials' standards and specifications for antifreeze products in accordance with Section 501.921, Florida Statutes. The Department will use these standards and specifications when evaluating antifreeze products offered for registration with the Department or offered for sale to the public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Monday, November 1, 2004  
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-10.001 Standards.

(1) The performance specifications and standards for glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-0304, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved September 10, 2003).

(2) The performance specifications and standards for recycled glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-0399, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 1, 2003) and ASTM D 6472-0300, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved November 1, 2003).

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2004

### DEPARTMENT OF REVENUE

#### Property Tax Administration Program

RULE CHAPTER TITLE: Value Adjustment Board  
RULE CHAPTER NO.: 12D-10

RULE TITLES: Receipt of Taxpayer's Petition to be Acknowledged  
RULE NOS.: 12D-10.004

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners  
12D-10.0044