

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) Definitions.

(a) No change.

(b) "Subject" means the licensee, ~~trainee~~, or applicant alleged to have committed a violation designated in this rule.

(2) through (5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Requirements and Restrictions for
Mobile Branch Offices

RULE NO.:

64B13-16.003

PURPOSE AND EFFECT: The Board proposes to clarify the requirements for mobile branch offices.

SUMMARY: The requirements in this rule for mobile branch offices are clarified.

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: 463.005(1)(a) FS.

LAW IMPLEMENTED: 463.001, 463.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Joe Baker, Jr., Executive Director,
Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin
#C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.003 Requirements and Restrictions for Mobile
Branch Offices.

Each licensed practitioner or certified optometrist using a
mobile operation to practice optometry shall:

(1) through (6) No change.

(7) Meet all the requirements of Sections 463.0135 and
463.014, Florida Statutes, and Rule Chapter 64B13-3, Florida
Administrative Code.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS.
History—New 5-29-90, Formerly 21Q-16.003, 61F8-16.003, 59V-16.003,
Amended _____.

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Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

RULE NO.: 12A-19.072

RULE TITLE:

Certification of Service Address
Databases

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to proposed new Rule 12A-19.071, F.A.C., published in the July 22, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 29, pp. 2586-2597.

In response to written comments received from Ms. Sharon Fox, City of Tampa, regarding the changes to paragraph (a) of subsection (2) of Rule 12A-19.072, F.A.C., as published in the September 16, 2005, issue of the Florida Administrative Weekly, that paragraph has been changed, so that, when adopted, that paragraph will read as follows:

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (R. 08/26/05, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdictions may access the login screen for registered users at <http://geotax.state.fl.us/dorPubIdx.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

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 NO.: 33-601.820
RULE TITLE: Maximum Management

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 15, April 15, 2005, and Vol. 31, No. 31, August 5, 2005 Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH**Division of Children's Medical Services**

RULE NO.: 64C-4.003
RULE TITLE: CMS Cardiac Facilities Diagnostic and Treatment Facilities or Services – Specific

NOTICE OF RULE CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 29, July, 16, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from two public hearings, a challenge to the proposed rule and comments from the Joint Administrative Procedures Committee. The rule shall now read as follows:

CMS approved cardiac facilities must comply with the CMS Cardiac Facilities Standards, September 2005, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin #A06, Tallahassee, FL 32399-1707.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tobi Goodman, Government Analyst II, CMS Network Operations Bureau

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.205
RULE TITLE: Eligibility Determination Process

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 16, April 22, 2005, Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION**Office of Insurance Regulation**

RULE NOS.: 69O-149.0025
RULE TITLES: Definitions
69O-149.003 Rate Filing Procedures

NOTICE OF PUBLIC HEARING

The Financial Services Commission announces a public hearing to which all persons are invited:

DATE AND TIME: October 25, 2005, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69O-149.0025 and 69O-149.003, F.A.C., published on July 15, 2005, in Vol. 31, No. 28, Florida Administrative Weekly. No notice of change has been published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-149.0025 Definitions.

(1) through (22) No change.

(23) Stop-Loss Insurance: Coverage purchased by an entity, generally an employer, for the purpose of covering the entity's obligation for the excess cost of medical care provided under a self-insured health benefit plan. Stop-loss coverage issued to a small employer shall not be subject to the requirements of Section 627.6699, F.S. The For coverage shall to be considered as a health insurance policy, rather than as a stop-loss insurance policy if the policy, the following standards shall be met:

(a) If the coverage provides specific excess, Hhas an attachment point for claims incurred per individual which is lower than at least equal to \$20,000; or-

(b)1. For insured employer groups with fifty (50) or fewer covered employees, ~~if the coverage provides aggregate excess, has an aggregate attachment point which is lower than the greater of at least equal to:~~

- i. \$4,000 times the number of employees;
- ii. 120 percent of expected claims; or
- iii. ~~\$20,000; or The greater of \$20,000 and 120 percent of expected claims for coverage issued to a small employer meeting the definition in Section 627.669(3)(v), F.S., or~~

2. For insured employer groups with fifty-one (51) or more covered employees, ~~has an aggregate attachment point which is lower than 110 percent of expected claims for coverage issued to groups not meeting the definition of small employer.~~

3. Insurers shall determine the number of covered employees of an employer on a consistent basis (such as annually and at a uniform time).

(24) No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 627.410(1),(2),(6), 627.411(1)(e) FS. History—New 6-19-03, Formerly 4-149.0025, Amended 5-18-04, _____.

69O-149.003 Rate Filing Procedures.

(1) through (5) No change.

(6)(a) The following tables shall apply to filings made pursuant to subsection (5) above.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the following tables for the medical trend assumption used in a complete filing made pursuant to paragraph 69O-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 69O-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the following tables shall be filed pursuant to subparagraph 69O-149.006(3)(b)18., F.A.C.

(d) The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S., is:

Category	Individual Without Rx	Individual With Rx	Group Without Rx	Group With Rx
Major Medical	12% 15%	14% 16%	13.5% 15%	14.5% 16%
Health Maintenance Organizations	11.5% 14%	12.5% 15%	13.5% 15%	14.5% 16%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
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Specific Authority 624.308(1), 624.424(1)(c), 624.424(1)(e), 627.410(6)(b), (e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, _____.

Section IV Emergency Rules

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:

RULE NO.:

Physician Licensure in Florida Following

Hurricane Katrina

64B8ER05-3

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Due to the recent hurricane disaster that has befallen the Southeastern United States, numerous physicians and their patients from hurricane affected areas have converged on the state of Florida seeking healthcare services in hospitals and other healthcare facilities. These physicians are seeking licensure in Florida in order to continue to care for their patients who, for the most part, have arrived without any medical records or any other documentation of their medical histories.

In order to avoid any adverse impact upon Florida residents and to assure that hurricane victims are provided appropriate healthcare services in a safe and efficient manner, the Florida Board of Medicine intends to waive subsections 64B8-4.009(3)-(6), F.A.C., by emergency rule. The proposed emergency rule will expedite the processing of licensure applications for the aforementioned physicians and will assure their ability, and that of Florida physicians, to treat hurricane affected patients within Florida in a manner that protects the health, safety and welfare of Floridians and others who have sought shelter and care within Florida during their time of need.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Given that the licensure process may take up to 90 days from the date of receipt of a complete application and that hurricane victims are in immediate need of care that can be best provided by their physicians, the Board believes that there is an immediate need for this emergency rule.