

Specific Authority 370.12(2)(n) FS. Law Implemented 370.12(2)(d),(k),(n) FS.
History—New 12-12-02, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Tim Breault, Director of the Division of Habitat and
Species Conservation

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: The Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 18, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.:	RULE TITLE:
6E-2.0061	Actions Against a Licensee: Penalties

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 18, on May 6, 2005, Florida Administrative Weekly has been withdrawn.

**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.:	RULE TITLE:
33-501.301	Law Libraries

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 31, No. 52, December 30, 2005, will be held as follows:

TIME AND DATE: 10:00 a.m., Tuesday, March 7, 2006

PLACE: Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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 Chiropractic Medicine

RULE NO.:	RULE TITLE:
64B2-12.020	Retired Status Fee

NOTICE OF CORRECTION

The above-referenced rule was published in Vol. 31, No. 50, of the December 16, 2005, issue of the Florida Administrative Weekly. The rule was inadvertently published with the wrong number and the number is being changed to Rule 64B2-12.021, F.A.C. The above correction does not have any effect on the substance of the rule.

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-11.002	Client Eligibility
64F-11.003	Patient Selection and Referral
64F-11.005	Contract Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 18 on May 6, 2005 and Vol. 31, No. 47 on November 23, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee and additional changes to Section 766.1115, Florida Statutes, Chapter 2005-118, section 1. The changes are as follows:

1. Subsection (4) of proposed 64F-11.002, F.A.C., shall read as follows:

(4) “The governmental contractor is responsible for determining if applicants meet the eligibility criteria as established in the Department of Health Client Eligibility and Referral Process Training Guide, DH 1032G, (02/06), as incorporated herein by reference, for participation in the Volunteer Health Care Provider Program. A copy of the Client Eligibility and Referral Process Training Guide can be obtained through the department’s Volunteer Health Services Program.”

2. Client Eligibility and Referral Process Training Guide, DH 1032G, (02/06), Part 2, Instructions for Completing the Patient Referral Form, shall read as follows:

“A Patient Referral Form, DH 1032, (02/06) must be completed on each patient referred from the Department of Health to a health care provider participating in the Volunteer Health Care Provider Program. A referral form is valid for the initial medical/dental visit and all follow-up visits for the same condition with the same provider. In cases where a patient’s medical/dental treatment plan for a specific medical/dental issue requires a pathologist, radiologist, anesthesiologist or laboratory services in addition to service rendered by the supervising provider, the referral form may include these providers. These ancillary providers must be identified by name on the referral form as soon as the participating providers become available. If a patient presents for a different medical/dental issue or is scheduled to see a different provider, then a new referral must be completed. Blank Patient Referral Forms can not be signed and dated by the patient in anticipation of possible future referrals. However, a patient can be asked to sign incomplete referral form in anticipation that every effort will be made to schedule an appointment with an appropriate provider for a specific medical/dental issue as soon as possible. All signatures on the Patient Referral Form must be originals, “signature on file” is not an acceptable replacement for original signatures.”

3. The Patient Referral Form, DH 1032, (02/06) is modified to authorize the referral of a patient by the supervising provider to providers rendering ancillary services such as pathology, radiology, anesthesiology and laboratory tests. A copy of the Patient Referral Form, DH 1032, (02/06) can be obtained through the department’s Volunteer Health Services Program.

4. Subsection (4) of proposed Rule 64F-11.003, F.A.C., shall read as follows:

(4) “The governmental contractor may convey to any provider the responsibility for determining eligibility and the referral of clients for the department. The provider may perform the eligibility and referral process in accordance with a Volunteer Health Care Provider Program contract, DH 1029, (02/06), as incorporated in Rule 64F-11.005, F.A.C., with the governmental contractor.”

5. Rule 64F-11.005, F.A.C., shall read as follows:

“The governmental contractor shall use the Volunteer Health Care Provider Program contract, DH 1029, (02/06) as incorporated herein by reference, developed by the department specifically for this program. Provisions of the contract shall include the requirements specified in Section 766.1115(4) and (10), F.S. Copies of the contract can be obtained through the department’s Volunteer Health Services Program.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, e-mail: Mark_Lundberg2@doh.state.fl.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse and Mental Health Program

RULE NOS.:	RULE TITLES:
65E-14.017	Cost Principles
65E-14.021	Unit Cost Method of Payment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 45, November 10, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE NO.:	RULE TITLE:
69L-6.021	Construction Industry Classification Codes, Descriptions and Operations

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rulemaking that was published in the Vol. 31, No. 49, December 9, 2005, issue of the Florida Administrative Weekly (FAW).

The Notice erroneously stated that the SCOPES® of Basic Manual Classifications is dated January 2006 ed. The SCOPES® of Basic Manual Classifications is dated October 2005 ed.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE NO.:	RULE TITLE:
69L-6.031	Stop Work Orders in Effect Against Successor Corporations or Business Entities

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rulemaking that was published in the Vol. 31, No. 49, December 9, 2005, issue of the Florida Administrative Weekly (FAW).

The Notice erroneously stated that the SCOPES® of Basic Manual Classifications is dated Jan. 2006. The SCOPES® of Basic Manual Classifications is dated October 2005.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-167.013
 RULE TITLE: Residential Property Insurance
 Checklists and Disclosures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, December 9, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and by the Joint Administrative Procedures Committee.

1. Subsection (1) of Rule 69O-167.013, F.A.C., is revised to change the word “accompanies” to “accompany” and to change the website address to www.floir.com/HotTopics_Other.htm.
2. Subsection (2) of Rule 69O-167,013, F.A.C., is revised to change the term “prominently displayed” to “prominently display”.

The remainder of the reads as previously published.

3. Form OIR-BI-1670 has been revised to add additional consumer disclosures and other edits to improve clarity.

A copy of the revised form is available from: Michael Milnes, e-mail: michael.milnes@fldfs.com.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-170.013
 RULE TITLE: Filing Procedures for Property and
 Casualty Insurance Rates, Rules,
 Underwriting Guidelines, and
 Forms

NOTICE OF 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. 31, No. 26, July 1, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at a public hearing.

Subsections (4) and (5) of Rule 69O-170.013, F.A.C., are revised to read:

(4) The following rules also apply to the specific rate/rule filing procedures:

- (a) Rule 69O-170.014, F.A.C., (Homeowners);
- (b) Rule 69O-175.003, F.A.C., (Private Passenger Auto);
- (c) Rule 69O-170.0141, F.A.C., (Dwelling);
- (d) Rule 69O-170.0142, F.A.C., (Commercial Residential/ All Other Property and Casualty);

(5) The Office maintains voluntary checklists for insurers’ information in properly complying with relevant statutes and rules. The completion of checklists does not preclude the Office from requiring additional information or further explanation of data. Filing checklists are for insurer information only.

Subsections (6), (7) and (8) of Rule 69O-170.013, F.A.C., are renumbered (4), (5) and (6) and read as follows:

~~(4)(6)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314 7700.~~

~~(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(c) Subsequent to July 1, 2003, All filings shall be submitted electronically to <https://portal.fldfs.com>, the industry portal to the Office’s I-File System, as adopted in Rule 69O-170.0155, F.A.C. or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(b) A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.~~

~~(5)(a) A rate filing shall contain documentation demonstrating that the proposed rates meet the standards and conditions of Sections 627.062 or 627.0651, F.S., as applicable.~~

~~(b) It is the responsibility of the insurer to ensure that the filing contains all the information and documentation the insurer wants considered that supports the rate requested.~~

~~(c) A rate filing shall contain information and documentation sufficient for an actuary practicing in the same field to evaluate the work.~~

~~(d) Any submission that does not contain the information and documentation required by subsection (3) above, or for which required filing forms have not been completed in their entirety, will result in the Office’s issuance of a Notice of Intent to disapprove.~~

~~(6)(a) The Office may request additional information or clarification to evaluate the filing for compliance with applicable statutory provisions.~~

~~(b) To allow the Office sufficient time to perform a proper review, the insurer shall submit by a date certain stated in a clarification letter any required additional information, explanation of data, or justification of assumptions.~~

~~(c) Unless the date is extended by the Office, failure to adequately address the issues by the date stated in the clarification letter may result in a notice of intent to disapprove the filing by the Office.~~

The remainder of the reads as previously published.