

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3D-45.010
RULE TITLE: Demonstrated Unworthiness Defined

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rule, which was originally published in the July 21, 2000, Vol. 26, No. 29, Pages 3349-3351, issue of the Florida Administrative Weekly...

DEPARTMENT OF INSURANCE

RULE NO.: 4-189.003
RULE TITLE: Workers' Compensation: Application and Audit Procedures

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. 26, No. 13, March 31, 2000, of the Florida Administrative Weekly...

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 2000/08 3/96) or Form ACORD 130-FL (rev. 6/94)...

(b) A carrier wishing to use its own application form shall submit the form to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0330, and receive for approval prior to its use...

federal employer identification number; type of business and contractor licensing number if the employer is a contractor; rating information including past and prospective payroll; estimated revenue; locations; list of officers, sole proprietors and partners including their social security numbers (disclosure of social security numbers is voluntary); as an alternative, attach a copy of exclusion or inclusion forms filed with the state; list of all employee names, employees' social security numbers and classifications (disclosure of social security numbers is voluntary); as an alternative, the latest UCT-6 form with class codes added can be used in lieu of a separate listing of employee names, employees' social security numbers and classifications; and previous workers' compensation experience; former business names and predecessor companies for the last five years; former and current owners in the last five years; all names under which the corporation operates; and any other information necessary to enable the carrier to accurately underwrite the employer...

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) may be required by their carrier to shall use ACORD Form 130-FL (rev. 2000/08 3/96) unless the FWCJUA files and receives approval by the Department of Insurance to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall submit any addendum to the application to the Department and receive approval prior to using use ACORD Form 133-FL (rev. 1/96), "Florida Workers' Compensation Joint Underwriting Association, Inc., Addendum to ACORD 130-FL" (rev. 3/96) which is hereby adopted and incorporated by reference. The completed application and all addendum instruction forms shall be submitted to the FWCJUA at the address on the form.

(d) The forms adopted in this subsection (1) may be obtained from ACORD, Number 1 Blue Hill Plaza, 15th Floor, Post Office Box 1529, Pearl River, New York 10965-8529.

(2)(a) An application complying with this rule is required for all policies having covered Florida exposure. For new business effective after the implementation of this rule, a carrier shall use an application which complies with this rule. When this new business policy is renewed, the carrier is not required to obtain another application. For existing business on a carrier's books as of 90 days after the effective date of this rule, the carrier is required to obtain an application complying with this rule at the first renewal of this existing business. On subsequent renewals of this existing business, the carrier is not

~~required to obtain another application.~~ These requirements also apply to policies written in other states where there is covered Florida exposure other than incidental Florida exposure.

(b) The applicant's signature on the application form shall be notarized. The carrier is authorized to require ~~It is not necessary for~~ the producer's signature to be notarized. The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-5.014
 RULE TITLE: Grading Services for Poultry
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with §120.54(3)(d)1., F.S. published in Vol. 26, No. 31 on August 4, 2000, issue of the Florida Administrative Code Weekly:

5K-5.014 Grading Services for Poultry.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

- (a) Grader's time per hour for:
 - 1. Full-time resident location \$25.00 ~~21.05~~
 - 2. Overtime \$30.00 ~~26.50~~
 - 3. Non-resident location \$31.50 ~~28.50~~
 - 4. Non-specified days \$31.50 ~~28.50~~
- (b) Travel time to and from grader's headquarters:
 - 1. Non-resident location \$31.50 ~~28.50~~
 - 2. Non-specified days \$31.50 ~~28.50~~
 - 3. Part-time resident location \$25.00

(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

Specific Authority 570.07(23), 583.04, 570.07(23) FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-6.010
 RULE TITLE: Grading Services for Shell Eggs
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with §120.54(3)(d)1., F.S. published in Vol. 26, No. 31 on August 4, 2000, issue of the Florida Administrative Code Weekly:

5K-6.010 Grading Services for Shell Eggs.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

- (a) Grader's time per hour for:
 - 1. Full-time resident location \$25.00 ~~21.05~~
 - 2. Overtime \$30.00 ~~26.50~~
 - 3. Non-resident location \$31.50 ~~28.50~~
 - 4. Non-specified days \$31.50 ~~28.50~~
- (b) Travel time to and from grader's headquarters:
 - 1. Non-resident location \$31.50 ~~28.50~~
 - 2. Non-specified days \$31.50 ~~28.50~~
 - 3. Part-time resident location \$25.00

(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
 RULE TITLE: Inmate Property
 THIRD 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. 26, No. 22, June 2, 2000, issue of the Florida Administrative Weekly:

33-602.201 Inmate Property.

(1) through (12) No change.

(13) If items of impounded property cannot be located ~~and are missing when the any time~~ stored property is returned to an inmate, a written report of this fact, listing the missing items and their possible value, with attached property records documenting ownership, shall be given to the Assistant warden or other designee of the warden, who will conduct or initiate a thorough investigation of the loss.

(a) through (c) No change.

(d) If claims are substantiated, the warden shall forward a cover letter, along with a copy of the investigation and verification of ownership through inmate property records to the Regional Director or his designee ~~service center general services manager~~ outlining reasons for recommending reimbursement.

(e) The Regional Director or his designee ~~service center general services manager~~ shall:

- 1. Ensure that the claim has been properly investigated and contains all supporting documents.
- 2. Ensure that supporting documents provide evidence of ownership of lost or destroyed property.
- 3. Return the claim to the institution for further investigation or action if the claim is incomplete or if there is insufficient evidence available to support the claim.
- 4. Forward the claim and supporting documents to the Office of the Inspector General, Risk Management Section, for processing if the claim is complete.

(f)4. The Risk Management Section of the Office of the Inspector General shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used for this purpose.

(g) In the event that the Department of Insurance, Division of Risk Management, decides to pay any or all of the inmate's claim, the following procedure will be followed:

1. The check and payment package will be received by the Risk Management Section of the Office of the Inspector General.

2. The check will be retained in the Risk Management Section of the Office of the Inspector General and the lien disclosure form provided by the Department of Insurance and the property release form will be forwarded to the regional office servicing the institution where the inmate is currently housed.

3. The regional office will forward the lien disclosure and property release for signature to the institution where the inmate is currently housed.

4. After the inmate signs the forms, the original documents will be sent to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office. If the inmate refuses to sign any of the documents, the refusal shall be documented in writing and returned to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office.

5. When the Inspector General's Office receives its copy from the institution (provided the inmate has signed the documents), the check will be forwarded to the inmate bank for deposit and distribution as directed by the Department of Insurance. If the inmate has refused to sign the documents, the check will be returned to the Department of Insurance along with the refusal documents.

(14) through (16) No change.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-602.301	Death Row – General
33-602.302	Death Row – Definitions
33-602.303	Death Row Facilities
33-602.304	Death Row – Review Responsibilities
33-602.305	Death Row – Restraint and Escort Requirements
33-602.306	Death Row – Conditions and Privileges

33-602.307	Death Row Records
33-602.308	Transportation of Death Row Inmates
33-602.309	Inmates with Active Death Warrant
	NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 24, June 16, 2000, Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.050	Community Mental Health Services
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 28, Florida Administrative Weekly, July 14, 2000. These changes are in response to comments received from the Joint Administrative Procedures Committee.

The following changes were made to the Community Mental Health Coverage and Limitations Handbook, July 2000, which is being incorporated by the reference in the rule.

Chapter 1, Page 1-4, in the block labeled "Provider Qualifications" we changed "provisional" to read "probationary."

Chapter 1, Page 1-5, we deleted the word "appropriate."

Chapter 1, Page 1-5, we deleted the word "adequate," and changed the bullet to read, "Credentialing policies and procedures that ensure qualified, competent personnel render services."

Chapter 1, Page 1-5, we deleted the word "appropriately."

Chapter 1, Page 1-6, we changed "may" to "will."

Chapter 1, Page 1-11, we deleted the note that Certified Addiction Professional could be grandfathered in.

Copies of the full text of the Community Mental Health Coverage and Limitations Handbook, July 2000, may be obtained by contacting Marilyn Bryant, Medicaid Program Development, (850)487-2618.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-6.015	Monitoring of Continuing Education Requirements
	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. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee and comments received at the public hearing held on August 21, 2000. Paragraph (f) of

subsection (4) of the proposed rule has been changed, and subsections (5) and (6) are being added, so that when it is adopted it will read:

61-6.015 Monitoring of Continuing Education Requirements.

(4)(f) The Department shall initiate disciplinary action against a continuing education provider or course either by request of the board or on its own motion for failure to comply with its duties under this section. A provider may challenge the decision of the Department pursuant to chapter 120, Florida Statutes.

(5) The provisions of this rule shall be phased in pursuant to section 455.2177(1), Florida Statutes, so that the monitoring system will provide for monitoring of compliance with applicable continuing education requirements by all professions regulated by the department no later than July 1, 2002.

(6) The provisions of this rule shall not apply to the completion of continuing education requirements of licensed architects and interior designers under part I of chapter 481, Florida Statutes.

The remainder of the rule will read as published.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0035
 RULE TITLE: Certification of Registered Contractors

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. 26, No. 24, June 16, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the public, and from the Board meeting held on September 12, 2000.

The rule shall now read as follows:

61G6-5.0035 Certification of Registered Contractors.

Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S., shall meet all of the following requirements:

(a) passed a written, proctored examination in the appropriate category as specified in subsection (2) of the statute, and,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.0015
 RULE TITLE: Exemption of Spouses of Members of Armed Forces from License Renewal Requirements

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. 26, No. 30, July 28, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 7, 2000 in Miami, Florida.

The rule shall now read as follows:

61G19-9.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must provide the Board with documentation with regard to the absence and the spouse's military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.007
 RULE TITLE: Records Required to Be Maintained by Course Sponsors

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. 26, No. 34, August 25, 2000 issue of the Florida Administrative Weekly. The changes are due to a Board review of the rule during their meeting held on September 7, 2000 in Miami, Florida.

The rule shall now read as follows:

61G19-9.007 Records Required to Be Maintained by Course Sponsors.

(2) Course sponsors shall maintain the required records for each course at least three (3) years following the date the course is completed.

(3) Upon request by the board, each course sponsor shall provide the board with copies of any required records. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.005
RULE TITLE: Licensure by Examination: Supervised Experience Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 9, March 3, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: 64F-18.001, 64F-18.002, 64F-18.003
RULE TITLES: Scope and Purpose, Definitions, Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in the Florida Administrative Weekly, Vol. 26, No. 32, August 11, 2000. The changes were made in response to written comments received from the Florida Legislature Joint Administrative Procedures Committee.

64F-18.002 The proposed new language is amended to read:

(4) "Federal poverty guidelines" mean the poverty guidelines defined by Rule 64F-16.001(7).

64F-18.003 The proposed new language is amended to read:

(1) A person wishing to participate in the insulin program can obtain an application from any county health department. The application is form number DH2105, 10/99, "Insulin Application Form" which is incorporated herein by reference. A copy of this form can be obtained from any local county health department or its designated agent.

(2)(b)2. has a net family income at or below 100% of Federal poverty guidelines, and

(2)(d) If the Department of Health's pharmaceutical budget permits.

Applicants with a net family income 101-200% of Federal poverty guidelines that meet the requirements in.....

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Virginia Foster, Family Health Services, Department of Health, 4052 Bald Cypress Way, Bin #A18, Tallahassee, FL 32399

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-13.003
RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots

NOTICE OF CHANGE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraphs 68A-13.003(1)(d), (4)(c), and (5)(b) of this proposed rule which was published in Vol. 26, No. 31, Florida Administrative Weekly, August 4, 2000, so that when adopted, those paragraphs will read as follows:

(1) Duck, light goose, and coot season:

(d) In addition to the open season specified in paragraph (1)(a) above, a "Youth Waterfowl Hunting Day" will be held on the first consecutive Saturday and Sunday after January 20. Youth hunters must be under 16 years of age and must be accompanied by a non-hunting adult at least 18 years of age. Daily bag limits and species restrictions for ducks, geese, and coots will be as described in paragraphs (1)(f) and (g). Florida gallinules (common moorhens) may also be taken on the "Youth Waterfowl Hunting Day;" bag and possession limits for this species will be as specified in Rule 68A-13.008, F.A.C.

(4) Canada goose season:

(c) Limits:

1. Daily bag: The daily bag limit is three Canada geese.

2. Possession: The possession limit is six Canada geese.

(5) Falconry:

(b) Open season for ducks, light geese, and coots: November 1 through November 12, February 1 through February 28, and the open season specified in (1)(a) of this rule.

**Section IV
Emergency Rules**

DEPARTMENT OF INSURANCE

RULE TITLE: Emergency Restrictions and Limitations on Construction Materials Mining Activities
RULE NO.: 4ER00-4

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: