

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-2
RULE TITLE: Write-in Procedures Governing Electronic Voting Systems
RULE NO.: 1S-2.0031

PURPOSE AND EFFECT: The purpose of rule development for these rules is to update write-in procedures for electronic voting systems due to the recent Election Reform act.

SUBJECT AREA TO BE DISCUSSED: Procedures for write-in positions on the ballot.

SPECIFIC AUTHORITY: 101.5608(3),(4) FS.

LAW IMPLEMENTED: 101.011(6), 101.5608, 101.5614, 103.022 FS.

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

TIME AND DATE: 3:00 p.m.– 5:00 p.m., Monday, April 15, 2002

PLACE: Room 100, 107 West Gaines Street, The Collins Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy K. Tuck, Assistant General Counsel, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200 or atuck@mail.dos.state.fl.us.

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs
RULE NO.: 1T-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division’s grant programs and their specific eligibility and evaluation criteria. The amendment also removes publications currently incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Specific grant program descriptions, eligibility and evaluation criteria for the Division’s grant programs.

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 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: 9:00 a.m., Friday, April 12, 2002

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Linda Downey, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

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

DEPARTMENT OF INSURANCE

RULE TITLES: Applicability and Scope
RULE NOS.: 4-154.102

Guaranteed Availability of Individual Health Coverage to Eligible Individuals 4-154.112

PURPOSE AND EFFECT: To amend Florida Administrative Code to reflect out-of state insurers obligation to comply with Chapter 4-154, F.A.C. Additionally, the amendment clarifies requirements for quoting insurance coverage.

SUBJECT AREA TO BE ADDRESSED: Guaranteed availability of individual health coverage to eligible individuals.

SPECIFIC AUTHORITY: 624.308, 627.643, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.642, 627.643, 627.6487 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: 9:00 a.m., April 18, 2002

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 Yvonne White at (850)413-4214.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-154.102 Applicability and Scope.

(1) These rules shall apply to all individual and family accident and health insurance policies, subscriber contracts of medical, surgical, or health maintenance organizations and to franchise insurance policies issued or issued for delivery in this state on and after the effective date hereof (except for policies issued to employees or members who are being added to existing franchise plans). The requirements contained in these rules shall be in addition to any other applicable rules previously adopted.

(2) Rules 4-154.110 through 4-154.112 and Rules 4-154.114 through 4-154.116, F.A.C., shall also apply to individual health insurance coverage, issued or issued for delivery out-of-state, subject to the provisions of Sections 627.6425 or 627.6487, Florida Statutes.

Specific Authority 624.308, 627.643 FS. Law Implemented 624.307(1), 627.642, 627.643 FS. History—New 1-1-75, Formerly 4-37.02, 4-37.002, Amended 9-19-00, _____.

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

- (1) No change.
- (2)(a) through (b) No change.

(c) 1. The practice of quoting an eligible individual a rate that is not actuarially supportable or that is well in excess of general industry maximums constitutes an unfair trade practice with the intent of denying eligible individuals coverage guaranteed by Section 627.6487, Florida Statutes.

2. Eligible individuals must be offered these policy forms using the rate schedule and rating manual filed with and approved by the Department. Otherwise, eligible individuals must be offered the rate schedule in effect for general applicability to any applicant, unless such difference in rate is actuarially supportable based on benefit differences and not due to consideration of the eligible group of individuals as a separate class.

3. If in the application of the company's underwriting standards, the eligible individual is determined to be uninsurable, the highest approved rate class may be used.

4. Rates in each approved rate class must be generally applicable to all individuals and be based on sound actuarial practices without regard to whether the individual is being an eligible individual.

(3) through (8) No change.

Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History—New 9-19-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Co-Payments	4-191.035
Filing, Approval of Subscriber Contract and Related Forms	4-191.051
Rates	4-191.054
Actuarial Memorandum and Definitions	4.191.055
Prescribed Forms	4-191.107

PURPOSE AND EFFECT: The amendments are to make corrections to comply with statutory changes, to require that all HMOs offer all plans with option of the existing PCP and out of pocket maximums, and to make technical corrections.

SUBJECT AREA TO BE ADDRESSED: Rates, forms, and contracts for HMO's.

SPECIFIC AUTHORITY: 641.36, 624.308(1) FS.

LAW IMPLEMENTED: 628.4615, 641.19(18), 641.20185, 641.21(1), 641.21(1)(e), 641.22(2), 641.26(1), 641.26(2), 641.29, 641.3007(4)(b), 641.3007(4)(c), 641.31(2), 641.31(3), 641.31(4), 641.3922(3) 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., April 18, 2002

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: Yvonne White, (850)413-4214.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.035 Co-Payments.

(1) No change.

~~(2) Co-payments in total shall not exceed the dollar amounts as determined by a formula which will be the HMO industry average annual reported commercial premium per member for the past two years. The formula is calculated as follows:~~

~~(a) Total commercial premiums for the previous two (2) years divided by two (2) equals the total average annual commercial premium;~~

~~(b) The total average annual commercial premium times 115 percent;~~

~~(c) The total commercial enrollment for the previous two (2) years divided by two (2) equals total average commercial enrollment;~~

~~(d) The total average annual commercial premium divided by the total average annual commercial enrollment equals the total average commercial premium per member.~~

~~Co-payments for individuals will be limited to the average stated above, with a maximum of \$1,500.00; family co-payment limits shall be twice the average calculated above, with a maximum of \$3,000. Co-payments for the primary care provider shall not exceed \$15.00 per office visit. Co-payments for specialty care and primary care must be reasonable to ensure access to proper health care. Exceptions may be made if the HMO demonstrates an adverse effect on the financial condition or small group rating is involved and not in conflict with Rule 4-191.054. For each plan provided by the HMO, the HMO shall offer each group and each individual subscriber (in the case of non-group coverage) the option of a primary care co-payment not to exceed \$15.00, and a maximum individual co-payment not to exceed \$1,500.00 and a corresponding family co-payment not to exceed \$3,000.~~

(3) A co-payment may be established which is a percentage of a specific dollar amount if the percentage co-payment is requested and justified by an employer group with 500 or more members residing in the State of Florida and involves a bidding process. Any request of this nature must be filed and approved by the Department on a specific case basis, and ~~The annual maximum co-payments for all plans must be expressed in specific dollar amounts of not more than the amount determined by the formula described in paragraph (2) of this rule.~~

(4) In the case of a high deductible contract, as defined in Section 641.20185, Florida Statutes, the deductible established under the contract must be satisfied before the application of any co-payments. Such deductible shall not be included in the calculation of the co-payment maximums as detailed in paragraph 4-191.035(2)(d), F.A.C.

Specific Authority 641.36 FS. Law Implemented 641.19(18), 641.20185, 641.31(4) FS. History--New 5-28-92, Amended _____.

4-191.051 Filing, Approval of Subscriber Contract and Related Forms.

(1) through (2) No change.

(3) ~~One Two~~ copies of each form filing shall be submitted at the time of filing. HMOs in possession of a Certificate of Authority shall submit all contract filings to the Bureau of Life and Health Forms and Rates, Division of Insurer Services and Market Conduct Review, Department of Insurance, Post Office Box 8040, Tallahassee, Florida 32399-0300, 32301-8040, or submitted electronically to lhfrbureau@doi.state.fl.us. All filings sent by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(4)(a) Each HMO shall provide ~~one two~~ copies of a written informed consent notice used to disclose the intent of testing a person for HIV infection or other specific sickness as required in Section 641.3007(4)(b), Florida Statutes. The form shall include the following:

1. Explanation of the testing;
2. Purpose of the test;
3. Potential uses of the form information and limitations;
4. The meaning of the test results; and
5. Person's rights to confidential treatment of the information obtained.

(b) No change.

(5) Each HMO shall include a copy of the following forms:

(a) Form DI4-1507, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, completely filled out in accordance with Form DI4-1507A, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet, as adopted in Rule 4-149.022, F.A.C.

(b) Form DI4-1356, The Florida Department of Insurance, Treasurer and Fire Marshal Florida HMO Contract Checklist (Includes Individual, Large and Small Group), as adopted in Rule 4-149.022, F.A.C.

Specific Authority 641.36 FS. Law Implemented 641.21(1)(e), 641.3007(4)(b),(c), 641.31(2),(3) FS. History--New 2-22-88, Amended 10-25-89, Formerly 4-31.051, Amended 5-28-92, _____.

4-191.054 Rates.

(1) Before charging or quoting premiums to subscribers, an HMO shall file the rating methodology by which those premiums were determined with the Department.

(a) All materials submitted shall be legible. A filing which is illegible or which contains illegible material will be disapproved without any further processing.

(b) For purposes of this rule and Rule 4-191.055, F.A.C., and the time periods established in Section 641.31, Florida Statutes, a filing is considered "filed" with the Department upon receipt of the material required in paragraph (2)(a), below. For purposes of this rule and Rule 4-191.055, F.A.C., the term "filed" does not mean "approved". Such premiums may be put into effect immediately, but the Department retains the right to disapprove the methodologies and the rates filed. If formally disapproved, use of the rating methodologies shall be discontinued immediately and shall not be applicable to new or renewal business written on or after the effective date of the filing. New rating methodologies which respond to the findings of the Department shall be filed by the HMO. If the Department finds that premiums charged were excessive, inadequate, or unfairly discriminatory in the original filing, the premiums determined by the newly filed rating methodology shall be applicable only to new or renewal business written on or after the effective date of the responsive filing.

(2) Filings of rating methodologies shall provide adequate information, so that the Department, in accordance with generally accepted actuarial principles as applied to Health Maintenance Organizations, may verify that the rating methodology does not produce inadequate, excessive, or unfairly discriminatory premiums. All rate classifications should be clearly identified, and the formulas and/or methods of calculating premiums adequately described, as defined in Rule 4-191.055, F.A.C.

(a) The ~~hard copy~~ components of HMO rate filings shall consist of one ~~two~~ copies of all of the items in subparagraphs 1. through 4 ~~3~~.

1. through 3. No change.

4. Form DI4-1507, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, completely filled out in accordance with Form DI4-1507A, The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet, as adopted in Rule 4-149.022, F.A.C.

(b) Filings, as that term is defined in subsection (a), shall be mailed to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, Florida 32301-8040 32314-5340 or submitted electronically to lhfrbureau@doi.state.fl.us. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates,

Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328 ~~3204~~.

(c) 1. Every HMO submitting a rate filing shall be notified as to whether the filing has been affirmatively approved by the Department, or has been disapproved by the Department, including disapprovals for failure of the material to meet the definition of a "filing" or for illegibility, within any statutory review period of the date of receipt of the filing.

2. Every HMO submitting a rate filing which does not comply with the requirement of Rules 4-191.054 and 4-191.055, F.A.C., or for which the Department determines that additional information is necessary for a proper review, will be notified of the additional information necessary deficiencies in the filing within the statutory time limit.

3. Every HMO shall submit the required data by a date certain stated in the clarification deficiency letter to allow the Department sufficient time to perform a proper review.

4. Failure to correct the filing deficiencies by the date certain in the clarification deficiency letter will result in an affirmative disapproval of the filing by the Department.

(3) through (5) No change.

(6)(a) Rates for group conversion contracts, issued on a group or on an individual basis are exempt from the loss ratio requirements below. The loss ratio for group conversion contracts shall not be less than 120%. The premium for a converted contract may not exceed 200 percent of the standard risk rate, as published in Rule 4-149, Part X, F.A.C.

(a) through (b) renumbered (b) through (c) No change.

(7) through (8) No change.

(9) Each HMO shall make an annual filing with the Department for each policy form no later than 12 months after the date of approval of its previous filing for the policy form, demonstrating the reasonableness of benefits in relation to premium rates.

~~(a) The first such filing for each policy form for each company shall be submitted on or after December 1, 1996, but in no event later than March 1, 1997, or 14 months after the date of the last rate filing approval.~~

~~(b) Subsequent rate filings shall be submitted no later than 12 months after the previous filing approval date for each policy form.~~

(10) Prohibitions. A premium schedule is unfairly discriminatory if it incorporates any of the following: The Department has determined that certain rating activities are against the public policy of this state and are therefore prohibited because the activities may result in premium escalations which are not viable for the subscriber or result in unfair discrimination in sales practices, an example of which is inappropriate risk selection criteria.

(a) Select and Ultimate Premium Schedules, as defined in Rule 4-191.055(4)(j), F.A.C., are prohibited.

(b) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited. Attained age premium schedules are defined in Rule 4-191.055(4)(a), F.A.C.

Specific Authority 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2),(6), 641.31(2),(3), 641.3922(3) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, _____.

4-191.055 Actuarial Memorandum and Definitions.

(1)(a) In order for a rate filing to be reviewed properly by the Department, the actuarial memorandum required by Rule 4-191.054(2)(a)2., F.A.C., shall contain the items listed in subsection (2), below, for a new product filing, a rate revision or justification of existing rates.

(b)1. Pricing assumptions shall reflect HMO experience to the degree credible, and industry experience where HMO experience is not credible, available or appropriate.

2. Assumptions shall reflect what the HMO fully expects to occur, rather than assumptions developed primarily for rate filing purposes, based on sound actuarial principles.

3. All such items shall be adequately justified by supporting data. In reviewing these assumptions, the Department will use, as an initial point of reference, comparisons of the assumptions with those from similar products of the same HMO, similar products of other HMOs and independent studies.

4. Additional information will be required if, given the particular facts and circumstances of the filing, the Department determines that the additional information is necessary to properly complete its review of the filing to determine if the benefits are reasonable in relation to the premiums charged.

(c) All filings reviewed under Rules 4-191.054 through 4-191.055, F.A.C., shall be reviewed in accordance with sound actuarial principles and, except where the context plainly does not involve an actuarial determination, all adverbs in these rules such as “properly” and “appropriately” shall be construed in light of those principles.

(2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 15. No change.

16. Minimum Required Loss Ratio for the Form: This section shall state the minimum required loss ratio for the form as defined in Rule 4-191.054(6)(a) and (b), F.A.C.

17. Loss Ratio: This loss ratio is defined in Rule 4-191.054(6)(c)(b), F.A.C.

18. through 24. No change.

(4) Definitions.

(a) No change.

(b) Credible Data:

1. If a policy form has 2000 or more subscribers inforce, then full (100%) credibility is given to the experience; if fewer than 500 subscribers are inforce, then zero (0%) credibility is given. Linear interpolation is used for inforce amounts between 500 and 2000.

2. For group policy forms, the numbers in this definition refer to group subscribers certificates.

3. A combination of Florida and industry data shall be used only if Florida-only data is not fully credible.

(c) No change.

(d) Group Size: For Group HMO Policy Forms the group size is the average number of subscribers certificates per employer.

(e) through (h) No change.

(i) Renewal Clauses:

1. ~~Optionally Renewable means that renewal can be declined on any individual or group contract at the option of the HMO.~~

2. ~~Conditionally Renewable means that renewal can be declined by class, by geographic area or for stated reasons other than deterioration of health. The HMO may revise rates on a class basis.~~

3. Guaranteed Renewable means that renewal cannot be declined by the HMO for any reason other than those detailed in Sections 641.31074, and 627.6425, Florida Statutes, fraud, misrepresentation, or failure to pay the premium when due, but the HMO can revise rates on a class basis.

4. ~~Non-Cancelable means that renewal cannot be declined for any reason other than fraud, misrepresentation, or failure to pay the premium when due and that rates cannot be revised by the HMO.~~

5. ~~Non-Renewable means that there is a contractual provision which prevents a policy duration of more than a specific period which shall be no more than one (1) year.~~

(j) through (k) No change.

Specific Authority 641.36 FS. Law Implemented 641.22(2), 641.31(2),(3) FS. History—New 10-8-96, Amended 4-20-98, _____.

4-191.107 Prescribed Forms.

(1) The forms listed below are incorporated into, and made a part of, these rules by reference.

FORM NUMBER	DESCRIPTION	DATE OF LATEST REVISION
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(a) through (t) No change.

(u)	DI4-563	Health Maintenance Organizations Requirements Summary	10/91
(v)	DI4-564	Standardized Data Letter Health Maintenance Organizations	10/91

(2) Form DI4-1507, Form DI4-1507A, and Form DI4-1356 as incorporated in Rule 149.022, F.A.C., are also used for purposes of this rule chapter.

(3)(2) Copies of all forms listed in subsection (1) above may be obtained through the Department of Insurance, Bureau of Specialty Insurers, Tallahassee, Florida 32399-0300.

Specific Authority 641.36 FS. Law Implemented 628.4615, 641.21(1), 641.26(1),(2), 641.29 FS. History--New 2-22-88, Amended 10-25-89, Formerly 4-31.107, Amended 5-28-92, 8-15-94, _____.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan
 RULE NO.: 29C-9.001

PURPOSE AND EFFECT: The Council proposes to amend the North Central Florida Strategic Regional Policy.

SUBJECT AREA TO BE ADDRESSED: The Council proposes amend the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report (EAR) completed in accordance with 186.511, Florida Statutes.

SPECIFIC AUTHORITY: 186.505, 186.507, 186.511, 120.54 FS.

LAW IMPLEMENTED: 186.511 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: 8:00 a.m., April 25, 2002

PLACE: Holiday Inn at U.S. 90 and I-75, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated _____ May 23, 1996, which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Specific Authority 186.508(1), 186.511 FS. Law Implemented 120.535(1), 186.507, 185.501(1), 186.511 FS. History--New 7-14-96, Amended 10-16-97, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Conduct
 RULE NO.: 33-208.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the requirements and process for staff to report arrests or criminal charges.

SUBJECT AREA TO BE ADDRESSED: Employee rules of conduct.

SPECIFIC AUTHORITY: 20.215, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) through (2) No change.

(3) Each employee shall make a full written report within 3 calendar days to his or her supervisor ~~the secretary, warden, regional director, circuit administrator or officer in charge,~~ of any criminal charge filed against him or any arrest for any violation of any law or ordinance except minor traffic violations for which the fine or bond forfeiture is \$200 ~~\$100.00~~ or less.

(4) through (27) No change.

Specific Authority 20.315, 944.09, FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 1-31-91, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1

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

PURPOSE AND EFFECT: Amend 40D-1.1002 to provide for variances from Chapter 40D-22, F.A.C., Year-round Water Conservation Measures.

SUBJECT AREA TO BE ADDRESSED: Amendments to the District’s water shortage variance provisions.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 253.002, 373.149, 373.427 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: 9:00 a.m., April 16, 2002

PLACE: Board Room, Southwest Florida Water Management District, Tampa Office, 7601 Highway 301 North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lois Sorenson, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4299

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Year-Round Water Conservation Measures
RULE CHAPTER NO.: 40D-22

RULE TITLES: Policy and Purpose
RULE NOS.: 40D-22.011
Definitions 40D-22.101
Year-Round Water Conservation Measures Enforcement 40D-22.201 40D-22.401

PURPOSE AND EFFECT: Update the District’s year-round water conservation rule chapter to incorporate existing measures required by Board Orders Nos. 92-12, 92-21, 92-60, 93-105, and 01-83 and to provide a goal based alternative for local governments.

SUBJECT AREA TO BE ADDRESSED: Amendments to the District’s year-round water conservation rule chapter. Based on public comment, the District has developed for discussion a goal-based alternative to the District’s proposed year-round water conservation rule that local governments may request to implement.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.119, 373.171, 373.175, 373.246, 373.603 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: 9:00 a.m., April 16, 2002

PLACE: Board Room, Southwest Florida Water Management District, Tampa Office, 7601 Highway 301, North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorenson, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4299

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use
RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update reference to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 2001” to reflect amendments to the Basis of Review. The Basis of Review will be updated regarding water conservation requirements for water users in response to information compiled from the regional water shortage of 1999-2001, and in coordination with the Statewide Water Conservation Initiative underway by the Florida Department of Environmental Protection and the state’s water management districts.

SUBJECT AREAS TO BE ADDRESSED: Water conservation requirements applicable to public water suppliers, golf course permits, commercial/industrial permits, and agricultural permits will be addressed and may specifically include education, xeriscaping, plumbing irrigation, rates, leak detection, rain switches, reuse feasibility, water audits, recovery/recycling, demand management, industrial process use, resource efficiency credits, pressure balancing of utility systems, interconnects, metering, urban mobile labs, pool/fountain standards, cisterns, certification and training, and BMPs.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.103, 373.219, 373.244 FS.

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

DATE AND TIME: 6:30 p.m. – 9:00 p.m., April 25, 2002 (rescheduled from March 21, 2001)

PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174, or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan
 RULE CHAPTER NO.: 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update Chapter 40E-21, F.A.C., relating to the Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Regulations, procedures, and specific restrictions related to water shortage declarations will be addressed, including water shortage restrictions relating to golf courses, recreation areas, industrial production and use, new landscaping, existing lawn/landscape watering, agriculture, pesticide application, other outdoor water uses, irrigation systems, nurseries, and flood irrigation; water shortage triggers; variances; and enforcement.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 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: 6:30 p.m. – 9:00 p.m., April 25, 2002 (rescheduled from March 21, 2001)

PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174 or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Michelle Percy, 3301 Gun Club Road, West Palm Beach, FL. 33406, (E-Mail: mpercy@sfwmd.gov).

LAND AND WATER ADJUDICATORY COMMISSION

Gateway Services District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Gateway Services District	42F-1
RULE TITLES:	RULE NOS.:
Creation	42F-1.001
Boundary	42F-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to change the name of the Gateway Services District (“District”) to the “Gateway Services Community Development District” to more accurately reflect its status as a uniform community development district chartered under chapter 190, FS, and to amend the District’s boundaries. The petition to amend the District’s name and boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission amend Chapter 42F-1, Florida Administrative Code, to change the District’s name and add approximately 150 acres to the existing boundaries. After expansion as proposed, the District will consist of and serve approximately 5,474 acres. Approximately 125 acres generally located wholly within the City of Fort Myers and about 25 acres generally located wholly within unincorporated Lee County are proposed to be added to the District. There is no real property within the proposed expanded District boundaries which is to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of

the District by its expansion by approximately 150 acres does not comprise (singularly or cumulatively) more than 10% of the District's initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries and change of name of the Gateway Services District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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. – 12:00 Noon, Monday, April 15, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Franklin, Young, van Assenderp, Varnadoe & Anderson, P.A., P. O. Box 1833, Tallahassee, Florida 32302-1833, telephone (850)222-7206, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

LAND AND WATER ADJUDICATORY COMMISSION

Bayside Improvement Community Development District

RULE CHAPTER TITLE: Bayside Improvement Community

Development District

RULE CHAPTER NO.:

42N-1

RULE TITLE:

Boundary

RULE NO.:

42N-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Bayside Improvement Community Development District ("District") by approximately 72 acres. The petition to amend the District's boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission (the "Commission") amend Chapter 42N-1, Florida Administrative Code, to change the District's name and add approximately 72 acres to the existing boundaries. After expansion as proposed, the District will consist of and serve approximately 1822 acres. Approximately 72 acres generally located wholly within the City of Bonita Springs are proposed to be added to the District. The expansion

parcel is bounded on the north and east by land serviced by the existing Bayside Improvement Community Development District; on the south by wetlands and the Spring Creek Estates neighborhood; and, on the west by Estero Bay. There is no real property within the proposed expanded District boundaries which is to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 72 acres does not comprise (singularly or cumulatively) more than 10% of the District's initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the Bayside Improvement Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: 12:00 Noon – 2:00 p.m., Monday, April 15, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Franklin, Young, van Assenderp, Varnadoe & Anderson, P.A., P. O. Box 1833, Tallahassee, Florida 32302-1833, telephone (850)222-7206, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

Clarifying Form of Write-in Slot and Write-in Candidates on Ballots

RULE NO.:

1S-2.003

PURPOSE AND EFFECT: This rule is no longer necessary as it applies to voting machines, which are repealed effective September 2, 2002.

SUMMARY: The Department of State is repealing rules regarding voting machines.