

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.003
 RULE TITLE: Rate Filing Procedures
 PURPOSE AND EFFECT: Annually publish the medical trend used by health insurers.

SUMMARY: Medical trend have gone down.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 624,424(1)(c), 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS.

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

DATE AND TIME: October 5, 2007, 9:30 a.m.
 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 workshop/meeting is asked to advise the

Category	Individual	Individual	Group	Group
	Without Rx	With Rx	Without Rx	With Rx
Major Medical	11.5% 12%	12.0% 14%	13.0% 13.5%	13.5% 14.5%
Health Maintenance Organizations	10.5% 11.5%	11.0% 12.5%	13.0% 13.5%	13.5% 14.5%

(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), 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, 12-22-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Ziegler, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

agency at least 5 days before the workshop/meeting by contacting: Tracie Lambright, Office of Insurance Regulation, E-mail tracie.lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Office of Insurance Regulation, E-mail tracie.lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

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:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-103.017 Inmate Grievances – Reprisal
 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. 33, No. 31, August 3, 2007 issue of the Florida Administrative Weekly.

33-103.017 Inmate Grievances – Reprisal.

(1) Inmates shall be allowed access to the grievance process without hindrance. Staff found to be obstructing an inmate’s access to the grievance process shall be subject to disciplinary action ranging from oral reprimand up to dismissal in accordance with Rules 33-208.001-.003, F.A.C. Good faith use of or good faith participation in the grievance process shall not result in reprisal against the inmate.

(2) An inmate shall be subject to disciplinary action if the inmate knowingly includes false, threatening, obscene, or profane statements in the grievance or any of its attachments. In this instance the inmate shall be subject to administrative action in accordance with the provisions of Rules 33-601.301-601.314, F.A.C., or criminal prosecution. Notwithstanding administrative or criminal proceedings, the grievance shall be responded to on its merits.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.016, Amended 10-11-00, 2-9-05,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-1.659 Forms and Instructions
 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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

No change is being made to the proposed rule language, but substantive changes have been made to the APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE, Form LEG-R.004.01, to be incorporated by reference in subsection 40D-1.659(2), F.A.C., published in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly. Changes being made in the form include adding a statement that the \$125 license renewal and penalty fee is applicable only until July 30 of the following year, after which application for a new license is required, and eliminating the agent certification provision that had been proposed to be added to the form. Typographical errors are also corrected. The changes to the proposed form are in accordance with subparagraph 120.54(3)(d)1., F.S.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-4.051 Exemptions
 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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

The proposed language “new and existing” to paragraph 40D-4.051(12)(a) and subsection (13) is deleted and will read as follows:

(12)(a) Sidewalks adjacent to ~~new or existing~~ roadways that have a width of six feet or less and do not obstruct or impound surface waters;

(13) Recreational Paths. Recreational paths adjacent to ~~new or existing~~ roadways, provided that the recreational paths are not located within wetlands or other surface waters; do not obstruct or impound surface waters; best management practices are used during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion or sedimentation; do not exceed eight feet in width for unidirectional paths and 12 feet in width for bidirectional paths; and do not allow motorized vehicles powered by internal combustion engines except for maintenance and emergency vehicles.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-4.331 Modification of Permits
 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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

Paragraph 40D-4.331(4)(c) is changed as follows:

(4)(c) Each modification to extend will ~~can~~ be granted for a duration as needed, up to five years for construction permits and site conditions assessment permits, and up to two years for conceptual permits.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-4.130 Home Health Services
 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. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

59G-4.130(1). Home health agencies are regulated by Chapter 400, Part III, F.S. We corrected the rule to read, "This rule applies to all home health agencies licensed under Chapter 400, Part III IV, F.S. . . ."

The rule incorporates by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007. The following change was made to the handbook.

Page 1-4. Home Health Provider Qualifications. We corrected the statutory reference to read, "Chapter 400, Part III, F.S."

Page 2-14 Supervisory Requirement. In the first paragraph, first sentence, we added the specific rule citation of Rule 59A-8.008, F.A.C. We added the following second and third sentence for clarification, "If the recipient requires only nursing; or nursing and physical, respiratory, occupational or speech therapy services; or nursing and dietetic and nutrition services, case management shall be provided by a licensed RN directly employed by the agency. If the recipient is receiving only physical, speech, respiratory or occupational therapy services or is receiving only one or more of these therapy services and home health aide services, case management shall be provided by the licensed therapist, who is a direct employee of the home health agency or a contractor."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0021
 RULE TITLE: Certification and Registration of Business Organizations

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. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. This Notice of Change supersedes the previous Notice of Change which published on July 27, 2007, in Vol. 33, No. 30, of the Florida Administrative Weekly. The changes are as follows:

Subsection (3)(b) shall now read as follows:

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the following forms which are incorporated by reference:

1. DBPR CILB 4366, Financially Responsible Officer Application, 2007 July 17,
2. DBPR 0030, Attest Statement, 2007 July 17,
3. If applicable, DBPR 0050, Explanatory Information for Background Questions, 2007 July 17,

4. if applicable, DBPR 0060, General Explanatory Description, 2007 July 17,

5. DBPR CILB 4356, Bond Application, 2007 August 28, The forms may be obtained via internet at <http://www.myflorida.com/dbpr/>, or by contacting the Customer Contact Center of the Department of Business and Professional Regulation at 1940 N. Monroe Street, Tallahassee, FL 32399-1039.

In addition, the financially responsible officer shall comply with the requirements of Rules 61G4-15.005 and 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in the amount of \$100,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-5.014
 RULE TITLE: Registration of Corporation
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. 32, No. 14, April 7, 2006 issue of the Florida Administrative Weekly.

The Board held a public hearing on this Rule on December 12, 2006, in Orlando, Florida, and determined the following changes should be made:

~~Unless the Commission or BPR shall have information that the corporation has been in violation of Chapters 475 and 455, Florida Statutes, or the rules promulgated under said chapters, it will be assumed to be qualified for registration if its officers and directors are qualified and if the answers to questions in the application, or in supplemental inquiries, are satisfactory. Otherwise, investigation and other proceedings, as in cases of individual applicants, shall commence. No registration shall be granted or renewed for any corporation if it shall appear that the person individual(s) having control of the corporation has been denied, revoked, or suspended and not reinstated, or if a person having control of the corporation has been convicted of a felony in any court and has not had civil rights restored for at least 5 years, or if an injunction has been entered against the person individual for operating as a real estate licensee without a license. A person shall be deemed to be in control of a corporation where such person or spouse, children, or member~~

of the household shall own or control, ~~directly or indirectly,~~ more than 50 ~~40~~ percent of the voting stock of such corporation.

An applicant for registration shall submit forms DBPR 0040, revised 3/5/03 (Officers and Directors), which is incorporated herein by reference. The form can be obtained from the Department of Business and Professional Regulation at, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, and the Call Center by calling (850)487-1395. No corporation shall operate as a real estate broker until they have received written notification from the Department that the corporation has been properly registered.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suit N802, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement
 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. 33, No. 9, March 2, 2007 issue of the Florida Administrative Weekly.

The rule was under a preliminary review by the Joint Administrative Procedures Committee. The comments made in the Joint Administrative Procedures Committee preliminary review pertained to the required education a licensee would need to renew his or her license. The Committee's comments were accepted, and the changes are as follows:

(3) The persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the HIV/AIDS course pursuant to subsection (5) of this rule and Section 456.033, Florida Statutes, for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

(a) Direct Delivery of Respiratory Care Services	<u>Mandatory for all licensees: A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.</u>
1. Medical Errors	<u>Mandatory part of Direct Delivery Services Requirements for all licensees: 2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.</u>
2. HIV/AIDS	<u>Mandatory part of Direct Delivery Services Requirements for the initial renewal of all licensees, Optional for subsequent renewals: At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within the last five (5) years prior to either initial licensure or first renewal.</u>
(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)	<u>Mandatory for all licensees: No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.</u>
(c) Home Study Courses	<u>Limitation applicable to all licensees: No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.</u>

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
 65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: September 24, 2007, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL. 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, phone (850)410-3479.

TEXT OF THE PROPOSED RULE CHANGES:

- (1) through (2) No change.
- (a) No change.
- (b) The value of a life estate interest in real property is excluded.
- (b) through (e) renumbered (c) through (f) No change.
- (g)(f) No change.
- (3) Transfer of Resources and Income.
- (a) through (b) No change.
- (c) No change.
- 1. through 4. No change.

5. A transfer penalty shall not be imposed if the department determines that the denial of the eligibility due to transferred resources or income would work an undue hardship on the individual. Undue hardship exists when imposing a period of ineligibility would deprive an individual of ~~food, clothing, shelter~~ or medical care such that their life or health would be endangered. Undue hardship also exists when imposing a period of ineligibility would deprive the individual of food, clothing, shelter or other necessities of life. All efforts to access the resources or income must be exhausted before this exception applies. The facility in which the institutionalized individual is residing may request an undue hardship waiver on behalf of the individual with the consent of the individual or their designated representative.

- (d) No change.

(e) Each individual shall be given the opportunity to rebut the presumption that a resource or income was transferred for the purpose of qualifying for Medicaid ~~eligibility~~. No period of ineligibility shall be imposed if the individual provides proof that they intended to dispose of the resource or income at fair market value or for other valuable consideration, or provides proof that the transfer occurred solely for a reason other than to become Medicaid eligible or if the individual's total countable resources (including the transferred resources) are below the program limits.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1), 8-10-06(2), 8-10-06(3),_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
 67-38.0026 General Program Requirements and Restrictions
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. 33, No. 31, August 3, 2007 issue of the Florida Administrative Weekly.

(5) The Corporation ~~may~~ shall limit the PLP Loan to an amount which can be secured through a mortgage on the Development Site, the pledging of capital fund finance program funds as approved by HUD or other collateral approved by the Corporation. Such determination shall require written recommendation by the TAP or Credit Underwriter and be based on the following: mortgages currently on the Development Site, or value of the Development Site as determined by appraisal dated within 12 months of receipt of the Application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Dearduff, Special Programs Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."