

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Examinations/Qualifications
 RULE NO.: 3E-600.005

PURPOSE AND EFFECT: The purpose of the proposed amendment is to update the rule to incorporate the new Series 65 and 66 examinations for investment advisers and investment adviser representatives. The proposed amendments also specify grandfathering provisions and exemptions for certain investment advisers and investment adviser representatives.

The proposed rule amendments are based on the model rules suggested by the North American Securities Administrators Association and are intended to ensure uniformity among the states as to examination requirements for investment advisers and investment adviser representatives.

SUBJECT AREA TO BE ADDRESSED: Implementation of the modified Series 65 and 66 examinations is January 1, 2000. The proposed amendments will incorporate the modified examinations as requirements for registration as an investment adviser or investment adviser representative. Investment advisers and investment adviser representatives who are currently registered or have been registered within two years of the date of application for registration are not required to satisfy the examination requirements. Individuals holding certain professional designations will be exempt from the examination requirements for investment adviser principals, investment adviser representatives and associated persons of issuer dealers.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(8) 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., January 31, 2000

PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick White, Financial Administrator, Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.005 Examinations/Qualifications.

(1) Law: Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Uniform Application Form U-4.

(2) Examination Requirements for Principal and Agent of a Dealer ~~Securities General Knowledge~~: Every applicant for initial registration as a ~~dealer~~, principal, or agent of a dealer ~~or investment adviser~~, shall evidence Securities gGeneral kKnowledge by:

(a) submitting to the Department proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission; or

(b) submitting to the Department evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the Securities and Exchange Commission, relating to the position to be filled as principal or agent; ~~or with the Association for Investment Management and Research (A.I.M.R.) as a Chartered Financial Analyst (CFA) or with the Investment Counsel Associates as a Chartered Investment Counselor (CIC); or~~

(c) having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years; or

(d) having complied with the provision of Rule 3E-600.004(1)(b), ~~or~~

~~(e) submitting to the Department proof of passing within two years of the date of application, any of the following: 1. the SECO/NASD Non-Member examination (Series 2); 2. the Uniform Investment Adviser Law Examination (Series 65); 3. the Uniform Combined State Law Examination (Series 66) with a maximum score of 80% for principal registration and a minimum score of 70% for agent registration.~~

(3) Examination Requirements for Investment Adviser Representative and Principal: An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Department with proof of passing, within two years of the date of application for registration, one of the following examinations: 1. the Uniform Investment Adviser Law Examination (Series 65) or; 2. the General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66). Every applicant for registration shall file the information required in subsections (1) and (2) of this Rule within the time periods set forth in Rule 3E-301.002 and Rule 3E-600.002(3)(a).

(4) Grandfathering Provisions:

(a) Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on the effective date of this rule shall not be required to satisfy the examination requirements for continued registration except that the Department may require additional examinations for any individual found to have violated any state or federal securities law.

(b) An individual who has not been registered in any jurisdiction in the United States as an investment adviser or investment adviser representative within two years of the date of application for registration shall be required to comply with the examination requirements of this rule.

(5) The examination requirement for investment adviser principals, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations:

1. Certified Financial Planner (CFP) awarded by the International Board of Standards and Practices for Certified Financial Planners, Inc.;
2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA;
3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Specific Authority 517.03(1) FS, Law Implemented 517.12(8) FS, History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Approval of Preservice Teacher
Preparation Programs

RULE NO.: 6A-5.066

PURPOSE AND EFFECT: The purpose of the rule development is to reflect changes in the requirements for teacher preparation programs at colleges and universities based on the recommendations of the Teacher Preparation Program Committee which was established by the 1999 Legislature. The rule development will have the effect of revising the following program requirements: general education, content knowledge, professional knowledge, methodology and internship. The rule development will also address changes in program completion requirements and requirements for quality assurance.

SUBJECT AREA TO BE ADDRESSED: Florida's state-approved preservice teacher preparation programs.

SPECIFIC AUTHORITY: 229.053, 240.529 FS.

LAW IMPLEMENTED: 229.053, 240.529 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 2:00 p.m., January 31, 2000
PLACE: Gulf Coast Community College, Student Union East Building, Gibson Lecture Hall (2nd Floor), 5230 West Highway 98, Panama City, Florida 32401, Telephone (850)872-3821

TIME AND DATE: 10:00 a.m. – 2:00 p.m., January 31, 2000
PLACE: Florida Department of Education, Room 1721/25, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Telephone (850)487-8518

TIME AND DATE: 10:00 a.m. – 2:00 p.m., January 31, 2000
PLACE: Florida International University, University Park Campus DM 256, 11200 Southwest 8th Street, Miami, Florida 33199, Telephone (305)348-2778

TIME AND DATE: 10:00 a.m. – 2:00 p.m., January 31, 2000
PLACE: Gus A. Stavros Institute, 12100 Starkey Road, Largo, Florida 33770-2942, Telephone (727)588-3746

TIME AND DATE: 10:00 a.m. – 2:00 p.m., January 31, 2000
PLACE: Student Union, Room 218 AB, University of Central Florida, 2500 Alafaya Trail, Orlando, Florida 32816, (407)823-3906/2046

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Harrell, Florida Department of Education, Bureau of Educator Recruitment and Professional Development, 325 West Gaines Street, Room 124, Tallahassee, Florida 32399, (850)922-9747
Persons with disabilities who need assistance in order to participate in these meetings may contact Barbara Harrell, Florida Department of Education, Bureau of Educator Recruitment and Professional Development, 325 West Gaines Street, Room 124, Tallahassee, Florida 32399, (850)922-9747, at least five business days in advance of the meetings to make appropriate arrangements.

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

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Reimbursement Premium Formula	19-8.028
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: To discuss proposed amendments to the contract rule, the premium formula rule, and the insurer reporting requirements rule for the 2000-2001 contract year for the Florida Hurricane Catastrophe Fund.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, premium formula requirements, and insurer reporting requirements for the Florida Hurricane Catastrophe Fund.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, Wednesday, February 3, 2000

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 18, 2000.

Copies of the proposed amended rule and the agenda for the workshop may be obtained from: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Bert at least 5 calendar days before the workshop.

REGIONAL TRANSPORTATION AUTHORITIES

Tri-County Committee Rail Authority

RULE TITLES:	RULE NOS.:
General Provisions	30C-2.001
Organization	30C-2.002
Definitions	30C-2.0021
Source Selection and Contract Formation	30C-2.003
Vendor Protest Procedures	30C-2.010

PURPOSE AND EFFECT: Tri-Rail’s existing Procurement Code has been updated, simplified, and clarified in order to make the Code consistent with the requirements of the Federal Transit Administration (“FTA”) Circular 4220.1D, the FTA Master Agreement, the FTA’s Best Practices Manual and appropriate Florida Statutes. The rules listed above have been amended, except for rule 2.0021, which is a new rule.

SUBJECT AREA TO BE ADDRESSED: Tri-Rail’s Procurement Code.

SPECIFIC AUTHORITY: 343.54(1)(b) FS.

LAW IMPLEMENTED: 343.54 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, IF AVAILABLE, IS: Richard

A. Wolfe, Director of Contract Administration and Procurement, Tri-county Commuter Rail Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
State and Institutional Classification Committees	33-601.209
Custody Classification	33-601.210
Classification – Transfer of Inmates	33-601.215
Confidential Records	33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide uniformity and consistency in the development and implementation of classification procedures, to revise the custody grade classification system to provide for a new community custody status, to provide for the use of an automated custody status evaluation

SUBJECT AREA TO BE ADDRESSED: Inmate classification.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25, 958.11 FS.

LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17, 944.1905, 945.10, 945.12, 945.25, 947.13, 958.11 FS., 42 USCS 290 ee-3.

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., February 8, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.209 State and Institutional Classification Committees.

(1) The inmate classification system is comprised of two primary operational components which have been established to provide uniformity and consistency in both the development and implementation of classification policies and procedures. These two components are the State Classification Committee and the Institutional Classification Committee. These components have specific authority and responsibility relative to the operation and management of the inmate classification system.

(2)(a) The State Classification Committee shall be composed of a chairperson, a vice-chairperson and other members as designated by the Chief of Classification and Central Records.

(b) The State Classification Committee (SCC) refers to a committee or committee member at the central office level who is responsible for the overall classification decisions of inmates. Duties include approving or rejecting institutional classification committee (ICC) recommendations. In addition, the SCC has authority for decision making relating to care, custody, placement or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.

(3) The Institutional Classification Committee is responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Committee shall be comprised of the following members:

(a) Warden or assistant warden who shall serve as chairperson.

(b) Classification supervisor

(c) Chief of Security

(d) Other members as necessary when appointed by the warden or designated by rule.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.17, 944.1905, 958.11 FS. History—New

33-601.210 Custody Classification.

(1) No change.

(2) Custody Grade Classification.

(a) Each inmate shall be placed in one of the ~~five~~ four custody grades: community, minimum, medium, close or maximum.

(b) Information from all available sources shall be used to complete an automated ~~the~~ custody Classification Questionnaire. The questionnaire shall reflect the degree of supervision appropriate for the inmate.

(c) The result of completing an a automated questionnaire shall be a computer generated numerical score or status custody for the inmate determined in accordance with the instructions contained on the questionnaires. A status custody is a custody range determined by the inmate's status, i.e. a death row inmate is maximum custody by virtue of his status of having a death sentence. ~~The ranges of numerical scores are approximate and may vary by not more than five points depending upon such factors as sentencing demographics, intake, and other such factors affecting the number of inmates sentenced for the particular types of crimes.~~

~~Numerical scores and corresponding custody grades are as follows:~~

Initial	Custody
Questionnaire	Grade
1-14	Minimum
15-26	Medium
27+	Close
	Maximum—Death
	Sentence Cases

~~No score value; these inmates are placed into maximum custody due to their sentence status~~

(d) The custody grade resulting from an inmate's ~~questionnaire~~ score may be modified if circumstances indicate the need for an exception. The specific reason for the modification shall be explained in shown on the automated system questionnaire. Reasons for increasing or decreasing the custody grade might, in appropriate cases, include one of the following comments with proper explanation:

1. Charge reduced as a result of plea bargaining.
2. Charge dropped as a result of plea bargaining.
3. Other active/inactive commitments.
4. Commitment includes mandatory or retained jurisdiction provisions.
5. Community and public interest concerns (i.e., judge's or prosecutor's recommendation, victim/victim family interest, legislative inquiry, law enforcement interest, executive inquiry, personal notoriety, case notoriety, etc.)
 - a. Family environment (no family ties; strong family ties; married/head of household; crime history in family; family desertion, family transience, etc.)
 - b. Military record.
6. Community supervision record.
7. Status prior to sentencing (i.e., high bond, bond forfeiture, release on bond, jail adjustment, etc.).
8. Physical or mental health status.

(e) All custody assignments will require the approval of the Institutional Classification Committee.

~~(f)(e)~~ Any modification of the resulting custody grade ~~from on~~ the system generated custody or any assignment to community or minimum custody inmate questionnaire shall requires the review and approval of a the State Classification Committee member based upon the criteria listed in (1) below ~~superintendent or, in the case of reception centers, of the superintendent or assistant superintendent.~~

(g) A member of the State Classification Committee shall have the authority to initiate a custody assessment and determine the custody level of an inmate whenever the committee member determines that a new assessment is necessary for the safety of the public or the needs of the department.

~~(h)(f)~~ Except for the offenses listed below, any inmate who is convicted or has been previously convicted or adjudicated delinquent for any crime where a sex act was intended, attempted or completed shall not be eligible for assignment to community or minimum custody status unless he has previously successfully completed the mentally disordered sex offender program prior to the repeal of Chapter 917, F.S.:

1. Acts relating to prostitution;
2. Urinating in public;
3. Nude sunbathing or swimming;
4. Nude or semi-nude adult entertainment;
5. Exposure of buttocks (mooning);
6. Streaking.

~~(i)(g)~~ Any inmate who has been certified as a mentally disordered sex offender pursuant to ch. 917, F.S. shall not be assigned to minimum custody status unless they have successfully completed the mentally disordered sex offender program.

~~(j)(h)~~ Any inmate who has been designated as an alien by the department, who has been in the custody of the department less than six months, and:

1. For whom no decision has been made by the Immigration and Naturalization Service regarding deportation,
2. For whom an evaluation regarding deportation is pending, or
3. A decision has been made to deport, shall not be assigned to lower than close minimum custody status.

~~(k)(i)~~ The following inmates shall not be classified as less than close custody unless approved for assignment to a lower medium or minimum custody by the Chairperson of the State Classification Committee Assistant Secretary for Security and Institutional Management as provided in ~~(l)(j)~~ below:

1. Inmates under sentence of death (maximum custody).
2. Inmates formerly under sentence of death.
3. Inmates serving life sentences with a 25 year mandatory provision and who are not within 5 years of an established release date.
4. Inmates serving life sentences and who are not within 10 years of an established release date.
5. Inmates ~~serving 25 year sentences or longer~~ and who are not within 15 years of a release date.

~~(l)(j)~~ The Chairperson of the State Classification Committee Assistant Secretary for Security and Institutional Management may approve an inmate listed in ~~(k)(i)~~ for lower medium or minimum custody after consideration of the following criteria:

1. Overall institutional adjustment.
2. Time served.
3. Prior offense history.
4. Seriousness of instant offense.
5. Program participation.
6. Needs of the department.
7. Whether inmate poses a threat to the public.
8. Disciplinary record.
9. Escape history.
10. Security needs.

~~(k) The effective date of this rule is July 21, 1991. Following the effective date of the rule, each inmate shall be evaluated pursuant to these requirements for custody classification no later than the time of his next scheduled progress review.~~

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical needs or inmates who are elderly and have special needs which may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Committee Assistant Secretary for Operations, Assistant Secretary for Programs, and the Impaired Inmate Coordinator Assistant Secretary for Health Services, or their designees. Committee decisions shall be reviewed by the secretary.

~~(4) Reclassification and Progress Assessments Reports.~~

(a) As used in this subsection:

1. "Review" means meeting of the Institutional Classification Committee team.
2. "Assessment" "Report" means a formal evaluation of the inmate's progress towards the goals set for him or her by the Institutional Classification Committee reclassification and progress report.

(b) Assessments Reports shall be periodically prepared for the purpose of:

1. Recording the inmate's adjustment to the institution and treatment program.
2. Recording changes of program that have taken place.
3. Evaluating the inmate's potential future adjustment.

4. Making recommendations for program changes, establishing goals and motivating the inmate to achieve the goals.

5. Provide the inmate with an opportunity to become involved in assessing his needs and in selecting programs to meet those needs.

(c) All inmates shall be scheduled for assessments and reviews ~~that and reports~~ shall be completed as follows:

1. Inmates with three years or less remaining to serve shall receive an assessment and review progress report every six months;

2. Inmates with more than three years remaining to serve shall receive an assessment and review progress report every twelve months;

3. Inmates with life sentences with no parole, life sentences with no established release date, or death sentences will receive an assessment and review progress report every twenty-four months. At the point where a parole release date is established in these cases the schedule of progress reports shall be in accordance with 33-601.210(4)(c)1. and 2.

4. Close management, work release and transition plan documentation may be substituted for the required assessments reports.

(d) Assessments and reviews Reports should also be used to document any program changes made by the Institutional Classification Committee between regularly scheduled reviews. In such cases, only the areas encompassing the change need to be noted in the report. Such an abbreviated report will not alter the schedule of reviews.

(e) The schedule for assessments and reviews may be altered and an unscheduled assessment and review report prepared upon request by the Florida Parole Commission, in the case of an escape or other unusual occurrence, or in any other case where it is determined ~~felt~~ such report would be of value. An unscheduled review shall revise the scheduled date of the next review and subsequent reviews.

(f) In preparing assessments reports, care should be taken that all pertinent facts are included to insure that all up-to-date information concerning changes in an inmate's activity are documented. Additionally, any new recommendations of the committee team in regard to inmate goals ~~or team recommendations~~ should be carefully documented and supporting facts included. If at the time of the review the inmate is being recommended for work release, the DC4-803, Approval for Community Release and Furlough, or DC40, Community Release Recommendation will suffice for the assessment report format.

(g) ~~The last scheduled review prior to the parole biennial interview shall be completed in the format of a progress report.~~ Additionally, An assessment and review progress report will be completed on all transfer recommendations except as

authorized by a member of the State Classification Committee. Movement from one location to another on a temporary basis does not require an assessment and review progress report.

(h) An assessment and review progress report shall be prepared whenever an inmate is being recommended for parole or for permanent transfer to another institution. When an inmate is transferred on an emergency basis and there is insufficient time to prepare an assessment and review progress report, a written statement will be included in the inmate record outlining the emergency situation and any pertinent security or medical problems. An assessment and review progress report from the sending institution should be forwarded to the receiving institution as soon as possible.

(i) ~~All reports that include~~ a recommendations for a transfer to another facility or to a contract drug treatment program, or for work release shall require the approval of the State Classification Committee classification supervisor and the superintendent.

(j) At the time of the first assessment and progress review, should the inmate record not contain either a pre-sentence or post-sentence investigation, the classification officer specialist is responsible for requesting such documents from the Probation and Parole Services Office in the region from which the inmate was committed. Care should be exercised to ensure that at least sixty (60) days has lapsed since the post-sentence investigation was originally requested prior to making this follow-up.

(k) Additional gain time is to be considered at the time of any scheduled or unscheduled review.

(l) Assessments and reviews Reports may contain recommendations for the setting of sentences pursuant to section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the recommendation. Such recommendations should be based on all information concerning the inmate which is available to the committee team.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review progress report setting forth the basis for recommending a change in the PPRD. All assessments and reviews reports containing parole recommendations will be reviewed and approved signed by the Institutional Classification Committee classification supervisor and forwarded to the State Classification Committee superintendent for his concurrence or disapproval. The

assessment and review report shall then be submitted to the Chief of the Bureau of Classification and Central Records Director of the Adult Services Program Office who, on behalf of the secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

(5) Forms and Attachments. Form DC4-869, Custody Questionnaire. ~~The following form~~ is incorporated by reference in this rule. A copy of this form may be obtained by writing the Forms Control Administrator, Office of the General Counsel inmate classification coordinator, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by ~~Enclose~~ a self-addressed stamped envelope. The

(a) Form DC4-869 Custody Questionnaire, effective date of this form is May 13, 1996.

Specific Authority 20.315, 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Transferred from 33-6.009, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended

33-601.215 Classification – Transfer of Inmates.

Upon completion of the reception process, each inmate shall be assigned and transferred to the institution approved by the State Classification Committee that ~~which~~ might best facilitate his institutional progress. Inmates may subsequently be transferred from one institution to another; however, the goal of the classification system is to retain inmates at institutions for longer periods of time in order to reduce transfers and stabilize the inmate population. Transfers are subject to review by the inmate grievance procedure.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 945.12 FS. History—New 10-8-76, Formerly 33-6.03, Amended 7-21-91, 10-11-95, Formerly 33-6.003, Amended

33-601.901 Confidential Records.

(1) through (3) No change.

(4) An inmate desiring access to information shall submit the written request to his or her classification officer specialist or officer-in-charge of a community facility; a supervised offender shall submit the request to his or her supervising officer. If the request does not meet the requirements specified in s. 945.10(3), F.S., the request shall be denied in writing. If the request meets the requirements specified in s. 945.10(3), the request shall be approved without further review. If the request meets the requirements specified in s. 945.10(3), F.S., but details exceptional circumstances other than those listed, the classification officer specialist or officer-in-charge shall review the request and make a recommendation to the classification supervisor ~~or superintendent of community facilities~~ who shall be the final authority for approval or disapproval of requests from inmates; for supervised offenders,

the recommendation shall be submitted to the correctional probation circuit administrator or designee who shall be the final authority for approval or disapproval.

(5) No change.

(6) The following records or information contained in department files shall be confidential and shall be released for inspection only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only upon when necessary to ensure that the offender's overall health care needs are met, or a specific written authorization from the offender whose records are to be reviewed, or as provided by law. If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent for Inspection and/or Release of Confidential Information, Form DC4-711B must be utilized in order to obtain inmate medical records held by the department. Form DC4-711B is hereby incorporated by reference. Copies of this form are available at from the Forms Control Administrator, Office of the General Counsel any institution or the Office of Health Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is June 12, 1996. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information. Inmates desiring access to information in their own medical records shall submit a written request to the health information specialist/supervisor. If the request does not meet the requirements specified in subsection (1), the request shall be denied. If the request meets the requirements specified in subsection (1) and falls within exceptions (a) through (e) of s. 945.10(3), F.S., the request shall be approved without further review. The records will be provided upon receipt of payment. If the request meets the requirements specified in s. 945.10(3), but details exceptional circumstances other than those listed in (a) through (e) or falls within (f), the health information specialist/supervisor shall review the request and make a recommendation to the chief health officer who shall be the final authority for approval or disapproval.

(6)(b) through (8) No change.

(9) After victim information has been redacted, access to preplea, pretrial intervention, presentence or postsentence investigations is authorized as follows:

(a) To any other state or local government agency not specified in subsection (8), upon receipt of a written request which includes a statement demonstrating a need for the records or information;

(b) To an attorney representing an inmate who is under sentence of death, upon receipt of a written request which includes a statement demonstrating a need for the records or information. Such reports on an inmate not represented by the attorney for an inmate under sentence of death shall not be provided;

(c) To a public defender upon request.

Written requests under paragraphs (b) and (c) above must be submitted to the Bureau Chief of Classification and Central Records Admission and Release for approval if the request pertains to an inmate record. If the request pertains to a report in a supervision file, the request shall be submitted to the correctional probation circuit administrator or designee of the office where such record is maintained. If the request pertains to confidential health information, the request shall be submitted to the institutional chief health officer.

(10) Parties establishing legitimate research purposes who wish to review preplea, pretrial intervention, presentence and postsentence investigation reports in the records of current or prior inmates or offenders must obtain prior approval from the Bureau Chief of Research and Statistics pursuant to rule ~~33-20.007~~. Parties seeking to review records pursuant to this section shall be required to submit a written request to the Bureau Chief of Central Records Admission and Release if the report pertains to an inmate, or to the correctional probation circuit administrator or designee of the office where the record is located if the report pertains to a supervised offender. The written request must disclose the name of the person who is to review the records; the name of any organization, corporation, business, school or person for which the research is to be performed; the purpose of the research; any relationship to offenders or the families of offenders; and a confidentiality agreement must be signed. After submitting the required written request, research parties must receive written approval as described in this section prior to starting the project.

(11) No change.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Physical Plant Requirements for General, Rehabilitation, and Psychiatric Hospitals
RULE NO.: 59A-3.081

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Chapter 59A-3, FAC., is to change portions of subsections (39) and (53), and the title of subsection (53), to ensure that rules governing hospital physical plant requirements apply to all inpatient cardiac catheterization services, not only adult inpatient diagnostic cardiac catheterization services. A workshop for interested parties will be held Monday, January 31, 2000. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUBJECT AREA TO BE ADDRESSED: In subsection (39), the proposed rule removes “out” from “outpatient” in subsection (a), and the designation “Cardiac Catheterization” from the Room or Function portion of the Minimum Hospital Ventilation Rate Table. The proposed rule also removes “Adult” and “Diagnostic” from the title of subsection (53). There is no change in any physical requirement, description of the facilities or required standards for medical gas systems as they pertain to cardiac catheterization services.

SPECIFIC AUTHORITY: 395.0163, 395.1055, 408.036 FS.

LAW IMPLEMENTED: 395.0163, 395.1031, 395.1055, 408.036 FS.

IF REQUESTED 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: 1:00 p.m. EST, Monday, January 31, 2000

PLACE: Agency for Health Care Administration, Building #1, Plans & Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.081 Physical Plant Requirements for General, Rehabilitation, and Psychiatric Hospitals.

(39) Heating, Ventilating and Air Conditioning Systems. Air handling equipment shall be located in mechanical equipment rooms unless it serves only one room and is located in that room.

(a) Ventilation. Ventilation shall be provided by mechanical means in all rooms in new facilities and in all remodeled rooms. The minimum quantities and filtrations shall be met as set forth in the Minimum Hospital Ventilation Rate Tables for those spaces that are listed. These requirements apply to inpatient areas and outpatient areas within the hospital. Detached outpatient facilities shall comply with subsection (3) below except that outpatient surgery, outpatient

cardiac catheterization and any other treatment or diagnostic procedure involving invasive procedures shall comply with the requirements for outpatient areas within the hospital.

MINIMUM HOSPITAL VENTILATION RATE TABLE
(See Note 2)

GENERAL ACUTE CARE HOSPITAL

Room or Function	Relative Pressure	Total Air	Outdoor Air Quantities	100% Exhaust Quantities	System* & Filtration**
Operating, Emergency Operating Rooms, Cystology	+	20	5	NO	1A, 2A
Delivery	+	12	5	NO	1A, 2A
Recovery	0	6	2	NO	1A, 2A
Nursery	+	12	2.8	NO	1A, 2A
Intensive Care	+	6	2	NO	1A, 2A
Patient	0	4	1.5	NO	1A, 2B, 3D
Labor, LDR and LDRP Room	0	4	1.5	NO	1A, 2B
Magnetic Resonance Imaging, Cardiac Catheterization, Lithotripter	+	6	2	NO	1A, 2B
Patient Area Corridor	0	2	1.5	NO	1A, 2B
Immunosuppressant Patient Room	+	2	1	NO	1E
Patient Isolation Room Without Anteroom	-	6	2	YES	1A, 2B
Patient Isolation Room With Walk-Through Anteroom as the Only Entrance	0	6	2	YES	1A, 2B
Anteroom	-	6	2	YES	1A, 2B
Endoscopy	0	6	2	NO	1A, 2B
Exam and Treatment	0	6	2	NO	1A, 2B
Nourishment Pantry	0	6	1	NO	1A, 2B
Medicine Preparation	0	6	1	NO	1A, 2B
Clean Workroom	+	4	2	NO	1A, 2B
Soiled Workroom	-	10	2	YES	1A, 2B
Therapy (Physical and Hydro)	-	4	2.25	NO	1A, 2B
Respiratory Therapy	+	6	2.25	NO	1A, 2B
Radiology	0	6	2	NO	1A, 2B
Fluoroscopic	-	6	2	YES	1A, 2B
Toilets, Janitor Closets, Baths, Showers and Bedpan Rooms	-	10	-	YES	-
Autopsy and Darkroom	-	15	-	YES	-
Sterilizer Equipment Room	-	10	-	YES	-
Laboratory (see Note 4)	-	6	2	YES	1A, 2B
Sterile Packaging	+	4	2	NO	1A, 2B
Clean Storage	+	2	1.1	NO	1A, 2B
Anesthesia Storage	0	8	0	YES	1C
Decontamination or Soiled Workroom	-	6	-	YES	-
Storage, Medical	0	2	-	NO	1C
Kitchen	0	20	7	NO	1C
Dish Storage	+	2	1	NO	1C
Dish Washing	-	10	-	YES	-
Food Service Center and Dining	0	6	1.3	NO	1C
Dietary Storage	0	2	1	NO	1C
Laundry	0	10	3.3	YES	1C
Clean Linen Storage and Handling	0	6	2	NO	1C
Soiled Linen Storage and Handling	-	10	-	YES	-
Storage, General	0	2	-	NO	1C

Corridors (Non-patient)	0	2	1	NO	1C
Body Handling (see Note 2)	-	10	-	YES	-

* AIR HANDLING SYSTEM TYPES

1. Central system recirculating and redistributing air to other rooms or spaces.
2. Central system distributing 100 percent outside air.
3. Individual units with no recirculation to other rooms or spaces.

** AIR HANDLING FILTRATION LEVELS

- A. 90 percent by the ASHRAE atmospheric dust spot test method.
- B. 80 percent by the ASHRAE atmospheric dust spot test method.
- C. 25 percent by the ASHRAE atmospheric dust spot test method.
- D. Low efficiency, throw away.
- E. 99.97 percent DOP

Note 1: Administrative and other staff-only areas shall be provided with outside air at the minimum rate of 20 cubic feet per minute per person, and the central system shall have a minimum of 25 percent ASHRAE dust spot efficiency filter.

Note 2: Holding rooms without body boxes must meet these requirements and be designed for a room temperature not to exceed 70 degrees Fahrenheit.

Note 3: Certain functional areas may require special ventilation consideration.

Note 4: May be recirculated to the lab but not to other parts of the hospital except for Bacteriology and Histology which must be 100 percent exhausted.

(b) through (m) No change.

(53) Physical Plant Requirements for Adult Inpatient Diagnostic Cardiac Catheterization Service. The following are additional special requirements for Adult Inpatient Diagnostic Cardiac Catheterization Service established after July 1, 1997.

(a)1. through 10. No change.

(b) The following spaces shall be available for use by the Adult Inpatient Diagnostic Cardiac Catheterization Service:

1. An X-ray viewing room; and
2. An X-ray film file room.

(c) The minimum quantities and filtrations shall be met as set forth in the following table:

ADULT INPATIENT DIAGNOSTIC CARDIAC CATHETERIZATION SERVICE
MINIMUM VENTILATION RATE TABLE

Room or Function	Relative Pressure	Total Air	Outdoor Air Quantities	100% Exhaust Quantities	System* & Filtration**
Preparation Room					
Recovery Room					
Holding Room	0	6	2	NO	1A, 2B
Cardiac Catheterization Procedure Room	+	15	3	NO	1A, 2B
Control Room	0	4	2	NO	1A, 2B
Equipment Room	0	4	0	NO	1A, 2B
Staff Changing Room	-	4	2	YES	1A, 1B

Clean Work Room	+	4	2	NO	1A, 2B
Clean Supply Room	+	4	2	NO	1A, 2B
Soiled Work Room	-	10	2	YES	1A, 2B
Soiled Holding Room	-	10	2	YES	1A, 2B

*** AIR HANDLING SYSTEM TYPES**

1. Central system recirculating and redistributing air to other rooms or spaces.
2. Central system distributing 100 percent outside air.
3. Individual units with no recirculation to other rooms or spaces.

**** AIR HANDLING FILTRATION LEVELS**

- A. 90 percent by the ASHRAE atmospheric dust spot test method.
- B. 80 percent by the ASHRAE atmospheric dust spot test method.
- C. 25 percent by the ASHRAE atmospheric dust spot test method.
- D. Low efficiency, throw away.
- E. 99.97 percent DOP.

(d) The minimum medical gas station outlets shall be as follows:

**ADULT INPATIENT DIAGNOSTIC CARDIAC CATHETERIZATION SERVICE
MEDICAL GAS STATION OUTLETS**

Room or Function	Oxygen	Vacuum	Medical Air
Cardiac Catheterization			
Procedure Room	1	2	2
Holding Room***	1	2	2
Preparation Room***	1	2	2
Recovery Room***	1	2	2

*** One (01) outlet per bed or station.

Specific Authority 395.0163, 395.1055, 408.036 FS. Law Implemented 395.0163, 395.1031, 395.1055, 408.036 FS. History—New 1-7-77, Formerly 10D-28.81, Amended 1-16-87, 11-23-88, Formerly 10D-28.081, Amended 9-3-92, 6-29-97, 3-18-98, 12-20-99, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Services **RULE NO.:** 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, July 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., January 31, 2000

PLACE: Conference Room C, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, July 1999 August 1998, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(18) FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Renewal Fee for Inactive Status License **RULE NO.:** 61G18-12.009

PURPOSE AND EFFECT: The Board proposes to decrease the renewal fee for an inactive license from \$260.00 to \$160.00.

SUBJECT AREA TO BE ADDRESSED: Renewal fee for an inactive status license.

SPECIFIC AUTHORITY: 474.206, 474.212(2) FS.

LAW IMPLEMENTED: 455.271(3), 474.2065 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-12.009 Renewal Fee for Inactive Status License.

The fee for renewal of an inactive license shall be one hundred sixty dollars (\$160.00) ~~two hundred sixty dollars (\$260.00)~~.

Specific Authority 474.206, 474.212(2) FS. Law Implemented 455.271(3), 474.2065 FS. History—New 3-1-84, Formerly 21X-12.09, 21X-12.009, Amended 1-5-95, _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Forms
 RULE NO.: 64B-3.006

PURPOSE AND EFFECT: To specify the correct form to use for fingerprinting required for practitioner profiling.

SUBJECT AREA TO BE ADDRESSED: Fingerprint card required for submitting a set of fingerprints that can be used for a national criminal background check as required for practitioner profiling.

SPECIFIC AUTHORITY: 458.311, 458.313, 458.319, 459.0055, 459.008, 460.406, 460.407, 461.006, 461.007 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.319, 459.0055, 459.008, 460.406, 460.407, 461.006, 461.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-3.006 Forms.

The following forms are prescribed for use by these rules:

Fingerprint Card FD-258

Specific Authority 458.311, 458.313, 458.319, 459.0055, 459.008, 460.406, 460.407, 461.006, 461.007 FS. Law Implemented 458.311, 458.313, 458.319, 459.0055, 459.008, 460.406, 460.407, 461.006, 461.007 FS. History—New _____.

DEPARTMENT OF HEALTH

Office of Vital Statistics

RULE TITLES: Delayed Birth Registration Requirements; Fees
 RULE NOS.: 64V-1.001
 Birth Certificate Amendments; Who May Apply; Fees
 64V-1.002
 Birth Certificate Amendments By Paternity Establishment; Judicial and Administrative Process
 64V-1.0032

Change of Paternity; Evidence Required 64V-1.004
 Death Certificate Amendments; Who May Apply Fees; Documentary Evidence Requirements 64V-1.007
 Termination of Pregnancies; Reporting 64V-1.015
 PURPOSE AND EFFECT: To amend rules to agree with statutory changes that were done in last session and to update forms that are incorporated by reference in the rules.

SUBJECT AREA TO BE ADDRESSED: Delayed birth registration, birth and death certificate amendment procedures and termination of pregnancy reporting form.

SPECIFIC AUTHORITY: 381.0011(13), 382.003(7)(10), 382.011, 382.013(2), 382.015, 382.016, 382.019, 382.0255(1)(b),(c),(d), 742.10, 742.16 FS.

LAW IMPLEMENTED: 382.011, 382.015, 382.016, 382.019, 390.0112, 742.10, 742.16 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 31, 2000

PLACE: 1217 Pearl St., Room 230C, Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathleen Dunkley Stephens, Senior Management Analyst, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, Telephone Number: (904)359-6990

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Adult Services Office

RULE TITLES: Purpose of the Home Care Program
 RULE NOS.: 65C-1.001
 Definitions 65C-1.002
 Application 65C-1.003
 Eligibility 65C-1.004
 Financial Determination 65C-1.005
 Provider Requirements 65C-1.006
 Home Study Standards 65C-1.007
 Confidentiality of Information 65C-1.014

PURPOSE AND EFFECT: These rules are being amended to conform to departmental Legal Office comments of January 1998 on said rules.

SUBJECT AREA TO BE ADDRESSED: The Home Care for Disabled Adults program provides subsidy payments to caregivers of adults with permanently disabling conditions who are at least 18 years of age and under 60 years of age. The program provides a basic subsidy to cover food and personal needs, a medical subsidy that covers the cost of prescribed medicines and special subsidies that provide for special equipment, i.e., wheelchairs or home ramps. Subsidy payments

are received monthly and may vary from individual to individual based on the financial status of the person receiving care and where their income falls on the schedule of subsidy payments developed by the department.

SPECIFIC AUTHORITY: 410.033 FS.

LAW IMPLEMENTED: 410.031-.036 FS.

IF REQUESTED 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: 10:30 a.m. – 1:30 p.m., Friday, January 28, 2000

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 340, Tallahassee, FL 32399-0700

SPECIAL ASSISTANCE: Any person who plans to attend this hearing and requires any type of assistive auxiliary aides to participate, please contact: Twila Sisk, Adult Services Office, 1317 Winewood Boulevard, Building 8, Room 330, Tallahassee, Florida 32399-0700 at least three days prior to the scheduled hearing. Ms. Sisk can be reached by phone at (850)922-2758 or SunCom 292-2758; by Fax at (850)933-4193 or SunCom 292-4193; TDD users may call via the Florida Relay System by dialing 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Twila Sisk, Adult Services Office, 1317 Winewood Boulevard, Building 8, Room 330, Tallahassee, Florida 32399-0700. Ms. Sisk can be reached by phone at (850)922-2758 or SunCom 292-2758; by Fax at (850)933-4193 or SunCom 292-4193

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-1.001 Purpose of the Home Care Program.

The Home Care for Disabled Adults ~~and the Elderly~~ Act and Rules encourage the provision of care for disabled adults ~~and the elderly~~ in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. These rules establish the minimum standards and procedures for the provision of home care, for the approval of persons wishing to provide home care, and for subsidy payments authorized for such care. Priority shall be given to disabled adults ~~and the elderly~~ who are not eligible for comparable services and programs of and funded by the department.

Specific Authority 410.033 FS. Law Implemented 410.031, 410.033 FS. History—New 5-3-81, Amended 10-17-84, Formerly 10A-9.01, Amended 6-11-91, Formerly 10A-9.001, Amended.

65C-1.002 Definitions.

In addition to the definitions used in 410.031-.036, F.S., the following definitions shall apply to this rule:

(1) “Activities of Daily Living (ADL)”- means ~~f~~Functions and tasks for self care, which shall include ambulation, bathing, dressing, eating, grooming, and other personal hygiene activities.

(2) “Basic Subsidy”- means a ~~A~~ support and maintenance element, to include costs of housing, food, clothing, and incidentals, in an amount determined by the financial status of the home care client.

(3) “Case Management” means the planning, arrangement for and coordination of appropriate community based services for an eligible home care client. Case management includes assessment of needs, the development of a service plan, arrangement for services, and on-going monitoring of the client’s situation to ensure that needed services are received.

(4) “Disabled Adult” means any person at least 18 years of age, but under 60 years of age, who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without the provision of community based services. Disabled adult also means a person who is currently a resident of this state and has an intent to remain in this state.

~~(5) “Elderly person” means any person 60 years of age or over who is currently a resident of this state and has an intent to remain in this state.~~

~~(6) “Home Care” means a full-time family-type living arrangement, in a private home, under which a person or a group of persons provides, on a non-profit basis, basic services of maintenance and supervision, and any necessary specialized services as may be needed, for three or fewer elderly or disabled adult relatives or non-relatives.~~

~~(5)(7)~~ “Home Care Client” means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.

~~(6)(8)~~ “Medical Subsidy” means an individually determined amount of subsidy payment for medical, pharmaceutical and dental services which is not covered by Medicare, Medicaid or any form of insurance and which is regarded as essential to the maintenance of the health of the home care client.

~~(7)(9)~~ “Provider” means an adult person(s) who applies and is approved to provide care to disabled adult~~(s)~~ ~~or elderly~~ client(s) on a non-profit basis.

~~(8)(10)~~ “Special Supplement” means a reimbursement ~~payment~~ for any specialized medical or health care services, supplies or equipment, pre-authorized by the department, and required to maintain the health and well-being of the disabled adult ~~or elderly person~~. This supplement is separate from and may be utilized in addition to the basic medical subsidy. Reimbursement may be ~~Payment is~~ authorized for regularly purchased services and supplies or special, non-recurring services or equipment.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.02, Amended 6-11-91, Formerly 10A-9.002, Amended.

65C-1.003 Application.

(1) Requests to make application for the Home Care for Disabled Adults ~~and the Elderly~~ Program may be initiated by the potential home care client or others, on behalf of the client, through District Adult Services Units.

(2) The Department shall not arrange for recruitment and matching of potential providers and recipients to facilitate application between two unrelated or unfamiliar parties.

(3) The application process shall include:

(a) Client assessment and determination of program and financial eligibility;

(b) Provider assessment and determination of provider eligibility;

(c) Home assessment and approval; and

(c) Applicant and provider notification of eligibility status.

(d) The application process must be completed before subsidy approval is granted.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Formerly 10AA-9.03, Amended 6-11-91, Formerly 10A-9.003, Amended.

65C-1.004 Eligibility.

To be eligible for the Home Care for Disabled Adults ~~and the Elderly~~ Program an applicant must:

(1) Be a disabled adult age 60 or older, if applying as an elderly individual or between 18 and 59 years of age, if applying as a disabled adult;

(2) Complete, or have completed on his or her behalf, an application for Home Care for Disabled Adults ~~and the Elderly~~ services;

(3) Meet the same criteria used to determine eligibility assistance under Title XVI of the Social Security Act; or meet the same financial criteria used to determine eligibility for nursing home care as defined in ~~Section 409.266, F.S., and Chapter 65A-1 10C-8, Florida Administrative Code, Florida Medicaid Eligibility;~~

(4) Have an approved provider who will provide the Home Care for Disabled Adults ~~and the Elderly~~ services;

(5) Have a statement from a physician or licensed registered nurse which states that the applicant could require institutional or nursing home placement should home care services not be provided, and that the assistance provided by the Home Care for Disabled Adults ~~and the Elderly~~ Program is considered to be appropriate for the well-being of the applicant/client;

(6) Have a priority need for home care services as determined through the administration and evaluation of a departmentally specified comprehensive client assessment. A copy of the client assessment form shall be available, without cost, upon request from the Adult Services Program Office,

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. The comprehensive client assessment shall be administered by departmental staff, unless otherwise authorized by the department, and shall address the following areas:

(a) Functional Status – a level of functional impairment as measured by individual ability to independently perform the tasks and activities of daily living;

(b) Caregiver Status – an appraisal of caregiver issues; Intellectual Functioning and Behavior – a measure of cognitive and psychological functioning as demonstrated by individual psychological adjustment to daily living;

(c) Client Social Support – a measure of the availability of service and social support relative to the needs of the individual;

(d) Health Medical Status – a measure of the presence and degree of chronic disease and physical disability experienced relative to need for medical, ~~and health~~ and nutritional related services.

(e) Environmental Status – an evaluation of the client's physical environment for safety and accessibility.

Specific Authority 410.033 FS. Law Implemented 410.036 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.04, Amended 6-11-91, Formerly 10A-9.004, Amended.

65C-1.005 Financial Determination.

(1) An application as specified in ~~65A-1 10C-8.015, F.A.C., for determination of financial eligibility for the Home Care for Disabled Adults and the Elderly Program shall be completed in its entirety and shall be submitted to the Department of Children and Families Family Services;~~

(2) ~~Financial eligibility of the applicant/client shall be determined by the same criteria as that used to determine eligibility for assistance under Title XVI if the Social Security Act, Supplemental Security Income (SSI) or shall be the same financial criteria used to determine eligibility for nursing home care as defined in 409.266, F.S., and Florida Administrative Code, Chapter 10C-8, Florida Medicaid Eligibility; Institutional Care Program (ICP);~~

(2)(3) Financial eligibility shall be determined as meeting Institutional Care Program (ICP) standards or MEDS-AD standards by designated Departmental staff or verified to meet Social Security Income (SSI) standards by the Social Security Office or verified (SSI) by designated Departmental staff; applicants whose income and asset levels appear to be close to SSI eligibility standards and who do not receive SSI benefits shall be referred to the Social Security Administration for SSI eligibility determination;

(3)(4) Upon satisfaction of all criteria for program and financial eligibility the provider and client will be advised of client acceptance into the Home Care for Disabled Adults ~~and the Elderly~~ Program. Payment shall be based on the financial status of the person receiving care. A Provider Agreement shall be presented to the provider for signature and shall; specifying the amount of monthly basic maintenance subsidy, maximum

~~allowable basic~~ medical subsidy and maximum allowable ~~special supplemental monthly~~ subsidy payment for which the client has been determined eligible, ~~will be presented to the provider for signature.~~ The provider and client will be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the categories of medical or special supplemental subsidy. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults ~~and the Elderly~~ standards set forth in rule, manual and policy directive.

~~(4)(2)~~ The Provider Agreement shall be regarded as a binding agreement between the provider and the Department. The Home Care for Disabled Adults ~~and the Elderly~~ Counselor will advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and will process all requests received from the provider in keeping with Departmental guidelines established by the state office and implemented at the district office.

~~(5)(3)~~ Applicants/clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing. ~~Under the provisions of Chapter 120, F.S., applicant/client~~ challenges may be initiated ~~and to~~ presented to the Department, provider agency, or Department of Administrative Hearings hearing officer giving written or oral evidence in opposition to the action ~~of the Department or of its refusal to act, or a written statement challenging the grounds upon which the Department~~ has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended.

65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults ~~and the Elderly~~ Program shall meet, at minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) A mature, responsible adult willing to and capable of accepting responsibility for the social, physical and emotional needs of the home care client in a family-type living arrangement:

(2) An individual, relative or non-relative, who has a positive personal relationship with the client and who is accepted by the client as surrogate family; or a responsible adult, who maintains a positive personal relationship with the client and is an individual with whom the client has made a financial arrangement for the provision of home care services;

(3) Physically present in the home to provide services, supervision, and assistance with the arrangement of services for the client and shall be responsible, when temporarily absent from the home, for making alternative arrangements for care to be assumed by another responsible adult, in keeping with the standards set forth for the Home Care for Disabled Adults ~~and the Elderly~~ Program;

(4) Responsible for maintaining ~~of~~ the residential dwelling free of conditions that pose an immediate threat to the life, safety, health or well-being of the home care client;

(5) Without record of criminal conviction of abuse, neglect or exploitation of an older person, adult or child; shall not have been the perpetrator in a confirmed report of abuse, neglect or exploitation investigated by the Department of Children and Families and maintained in the Florida Abuse Outline Information System of another person by the Abuse Registry or other investigative process; and shall grant written authorization for a background check through the Florida Abuse Hotline Information Protective Service System of the Department of Children and Families Florida Abuse Registry. The Department shall grant an exemption from this disqualification if the Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and

(6) Without evidence of holding themselves out to the public as a home or home-type facility, group living home, half-way house, adult ~~congregate~~ living facility or other similar facility offering room, board and personal services but not including adult family care foster homes.

Specific Authority 410.033 FS. Law Implemented 410.033, 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended.

65C-1.007 Home Study Standards.

(1) The Home Care Counselor shall conduct a home study, an assessment of the home environment and physical surroundings in which the applicant currently resides or intends to reside, to determine the fitness of the private residential home of the home care service provider, in keeping with the assessed needs of the applicant/client and the standards as established for this Program. The Home Care Counselor shall formulate a written recommendation as to case approval or denial and shall submit this recommendation with accompanying documentation to designated District authority for final review and decision.

(2) Home study standards shall include:

(a) General

1. The home shall be a family-type dwelling occupied as the primary residence of the home care provider or the primary residence of the home care client.

2. Floors and furnishings shall be free of unsanitary conditions that would attract rodents and insects.

3. The yard and area surrounding the residence shall be free of litter and refuse that could serve as breeding areas for insects and rodents.

4. Windows shall be covered or screened to secure the residence from flies and insects.

(b) Bedroom

1. Bedding and linens shall be provided and shall be clean and changed as dictated by the physical condition of the client.

2. There shall be two means of egress from the bedroom occupied by the client.

(c) Bathroom

1. Bathrooms shall include a commode and lavatory. For areas without city sewage service, the individual sewage disposal system shall comply with Chapter 64E-6, Florida Administrative Code, Individual Sewage Disposal. Where septic tanks are not in use, privies shall be located 75 feet or more from a private water supply and a minimum of 30 feet from the residence.

2. Portable toilets may be utilized provided waste is disposed of by a sanitary method.

3. There shall be bathing facilities with hot and cold running water available for the client.

4. Soap, clean towels, and washcloths shall be provided.

(d) Food Preparation and Dining Areas.

1. Food preparation and food storage areas shall be clean, free of odors, and dampness.

2. Homes shall have the facilities necessary for perishable food storage and meal preparation. ~~In those rural areas not served with electricity where adequate provisions cannot be made for food storage of perishable items, meal preparation which includes perishable items shall be accomplished immediately prior to each meal.~~

(e) Fire Protection.

1. A smoke detector shall be present in each dwelling

2. Flammable materials such as gasoline, paint, and cleaning fluids shall be stored outside and away from the main residence.

3. Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced.

4. Fuel burning space units shall be hooded or vented in accordance with 4A-38.023, F.A.C. ~~fire safety codes~~ or shall be so constructed as to not require this.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended.

65C-1.014 Confidentiality of Information.

Specific Authority 410.033 FS. Law Implemented 410.037 FS. History--New 6-11-91, Formerly 10A-9.014, Repealed.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-38.002
Notice of Funding Availability	67-38.0025
Application Procedures	67-38.003
Selection and Rejection Criteria	67-38.004
Scoring and Ranking Guidelines	67-38.005
Terms and Conditions of the Advance	67-38.006
Terms and Conditions of the Loan	67-38.007
Eligible Uses for the Advance and Loan	67-38.008
Eligible Uses of Grants	67-38.009

Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Sale, Transfer or Conveyance of Project	67-38.012
Site Development and Design Standards	67-38.013
Disbursement Procedures	67-38.014
Compliance and Monitoring Procedures	67-38.0145
Disposition of Property Accruing to the Corporation	67-38.015
Administrative Appeal Procedures	67-38.016

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (FAC.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan or grant amounts to non-profits with limited or no experience who engage in development of affordable housing for very low or low-income households.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2000 Application and program requirements for the Predevelopment Loan Program, as specified in Rule Chapter 67-38, FAC.

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-.529 FS.

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

TIME AND DATE: 2:00 p.m., January 31, 2000

PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees	RULE CHAPTER NO.:
RULE CHAPTER TITLE:	68C-22
Manatees	
RULE TITLE:	RULE NO.:
Lee County Zones	68C-22.005
PURPOSE AND EFFECT: The commission is considering whether changes could be made to the rule that would maintain adequate manatee protection while at the same time allowing	

boaters to more easily navigate on the creek, particularly during low water conditions. What effect the changes would have depends on what option is pursued. One option being considered is amending the rule to allow speeds of up to 25 mph on portions of the creek during extreme low water conditions. Comments or suggestions on potential options may be submitted through February 4, 2000, to the address given at the end of this notice.

SUBJECT AREA TO BE ADDRESSED: Manatee protection boat speed zones in the Mullock Creek area.

SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(i),(j),(m),(n) 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 IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees **RULE CHAPTER NO.:** 68C-22

RULE TITLE: Duval County Zones **RULE NO.:** 68C-22.027

PURPOSE AND EFFECT: The commission is considering whether changes should be made to the rule in light of the local boat speed zones that were adopted by the city of Jacksonville in June 1999. What effect the changes would have depends on what, if any, options are pursued. Comments or suggestions on potential options may be submitted through February 3, 2000, to the address given at the end of this notice.

SUBJECT AREA TO BE ADDRESSED: Manatee protection boat speed zones in Duval County.

SPECIFIC AUTHORITY: 370.12(2)(m) FS.

LAW IMPLEMENTED: 370.12(2)(m) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS INDICATED BELOW:

TIME AND DATE: 7:00 p.m. – 9:00 p.m., Thursday, February 3, 2000

PLACE: Florida Department of Transportation Training Facility, 2250 Irene Street, Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Phytophagous Snails	5B-43
RULE TITLES:	RULE NOS.:
Interstate Regulations	5B-43.005
Infested and Regulated Areas	5B-43.009
Certificates, Limited Permits, Master Permits, Compliance Agreements: Issuance, Cancellations, Attachment	5B-43.011

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Section 120.52(15), F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, and to remove unnecessary restrictions on the State of South Carolina in shipping plant material to Florida.

SUMMARY: South Carolina is removed as an infested area, and Forms DACS-08031, DACS-08047, and DACS-08105 are filed by reference in Rules 5B-43.005 and 5B-43.011.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(5) FS.

LAW IMPLEMENTED: 581.031(7),(8),(21), 581.101, 581.111 FS.

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

TIME AND DATE: 10:00 a.m., February 8, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34 Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32608, Phone (352)372-3505