

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Food Services – Definitions	33-204.002
Food Services – Standards of Operation	33-204.003
Control of Food Services Equipment	33-204.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide clarification of food services procedures such as the serving of holiday meals, the maintenance of sanitation in food preparation areas, the maintenance of equipment, the handling of sensitive food items, and the provision of therapeutic diets. The proposed rules also provide correct food services staff titles and incorporate by reference forms utilized in conjunction with food services operations.

SUBJECT AREA TO BE ADDRESSED: Food Services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 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:

33-204.002 Food Services – Definitions.

For the purposes of this Chapter:

(1) "Master menu" means the menu which is designed to be served at all ~~facilities institutions~~ to provide uniformity in items served to each inmate. The master menu shall be prepared under the direction of the department's master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian. The master menu shall provide all Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences.

(2) "Therapeutic diet" means a diet that is prescribed for medical reasons and is designed to meet the requirements of a given medical condition. Therapeutic diets are planned, prepared and served modifying the regular menus as little as

needed in order to avoid unjustified budgetary and operational burdens while reasonably accommodating individual therapeutic and nutritional needs. All menus for therapeutic diets shall be planned, analyzed and certified for nutritional adequacy ~~nutritionally adequate~~ by a licensed registered dietitian.

(3) No change.

(4) "Master Menu Committee" consists of the central office's Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service coordinators, and the field public health nutrition consultants ~~regional food service operations and management consultants, the regional public health nutrition consultants and central office food service staff which includes the bureau chief and the central office dietitian.~~ The chief of has the authority to invite other staff.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden ~~or work release center major shall be allowed to~~ authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the food service coordinator. An altered holiday meal schedule for therapeutic diets may only be implemented if the chief health officer is on duty on the day that the alternate schedule is to be served. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

(2) No change.

(3) Menus. The Recommended Dietary Allowances of the National Research Council – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances of the National Research Council are hereby incorporated by reference. A copy of the Recommended Dietary Allowances may be obtained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is January 18, 1989.

(a) The master menus prepared by the master menu committee shall be used by all institutions and facilities within the department. The master menus shall be reviewed at least

annually by the department's master menu committee to determine the need for adjustments based upon cost, nutritional value, equipment capabilities, product availability, ~~cost~~ and staff determined inmate preferences.

(b) through (d) No change.

(4) Sanitation.

(a) All food service areas shall meet the standards of the State Sanitary Code, Department of Health, chapter 64E-11, Florida Administrative Code. Food and beverages shall not be consumed in food preparation areas.

(b) No change.

(c) The individual responsible for food service at the institution or facility ~~shall be assigned by the warden, report to the warden or his designee, and~~ shall be responsible for the following:

1. through 2. No change.

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water on the Master Menu Production Log, Form DC2-404. Form DC2-404 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 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 _____.

(d) No change.

(5) Maintenance of Equipment. The person responsible for food service at each institution or facility shall, with the participation of the person in charge of after consultation with the maintenance department, prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program for equipment shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person responsible for food service shall monitor the program to ensure that preventative maintenance is performed. He or she will also ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

(6) No change.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 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 _____. Non-standard modified diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the modified diet. The Bureau of Food Services shall be responsible for providing ~~training and~~ consultation to health and food service personnel regarding therapeutic diets.

(8) Religious Diets. The alternate entree program is designed to meet the needs of inmates whose religions require a pork-free, lacto-ovo, or lacto-vegetarian, or vegan diets. The vegan (strict vegetarian) meal pattern meets the religious requirements of inmates who must avoid all animal products.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended _____.

33-204.004 Control of Food Service Equipment.

(1) through (3) No change.

(4) Special attention shall be given to the control of sensitive food items such as yeast, mace, nutmeg, fruits and fruit juices. Food items are considered sensitive when they can be utilized to produce contraband, either individually or in combination with other products, they can be used to assault staff or inmates, or they can be used to aid in an escape. Inmates using yeast in food preparation shall be closely supervised until the yeast is thoroughly incorporated as an ingredient in the item being prepared.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.004, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE CHAPTER TITLE: Medical Malpractice Arbitration RULE CHAPTER NO.: 60Q-3

PURPOSE AND EFFECT: This is a substantial amendment to this rule chapter. The purpose is to make the process less cumbersome for litigants, resulting in reduced costs.

SUBJECT AREA TO BE ADDRESSED: Entire rule chapter.

SPECIFIC AUTHORITY: 766.207(9) FS.

LAW IMPLEMENTED: 766.207(9) 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: Judge Linda M. Rigot

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code

RULE CHAPTER NO.: 61C-5

RULE TITLES: Elevators, Dumbwaiters, Escalators, Moving

RULE NOS.: 61C-5.001

Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts

Bulletin Boards

61C-5.004

Alterations to Electric and Hydraulic Elevators and Escalators

61C-5.011

Service Maintenance Contracts

61C-5.013

PURPOSE AND EFFECT: Revision of Chapter 61C-5 which covers the adoption of elevator safety codes have been changed to reflect the more current editions available.

SUBJECT AREAS TO BE ADDRESSED: The area to be discussed is the adoption of the most recent elevator safety codes and changes in some of the adopted codes.

SPECIFIC AUTHORITY: 399.02 FS.

LAW IMPLEMENTED: 399.01, 399.02 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: 11:00 a.m., March 21, 2000

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the hearing by contacting Cathy White, Bureau Chief, at (850)488-9097. If you are hearing or speech impaired please contact the agency by calling 1(800)955-8771 (TDD)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cathy White, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9097

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, ~~1996~~ ~~1993~~ edition, effective ~~8-1-96~~ and ASME A17.1a, ~~1997~~ ~~1994~~ addenda, effective ~~8-1-96~~, and ASME A17.1b, ~~1998~~ ~~1995~~ addenda, effective ~~8-1-96~~.

(2)(a) American National Standard Inspectors Manual for ~~Electric Elevators and Escalators~~, ASME/ANSI A17.2.1, 1996 ~~1988~~ edition, ~~and including~~ ASME/ANSI A17.2.1a, 1997 ~~1989~~ Addenda and ASME/ANSI A17.2.1b, 1998 ~~1990~~ Addenda.

(b) American National Standard Inspectors Manual for Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.

(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.

(3) American National Standard Safety Code for Manlifts, ASME ~~ANSI~~ A90.1, ~~1992~~ ~~1976~~ edition.

(4) National Fire Protection Association, NFPA-70, National Electrical Code, ~~1999~~ ~~1996~~ edition.

(5) through (6) No change.

(7) The following rules of ASME A17.1, are hereby amended ~~to read~~ as follows:

(a) Rule 211.9e is added, and reads as follows: Each car in a multicar group shall be sequentially numbered from left to right, as viewed from the elevator lobby. Rule 111.10 Access to Hoistways for Emergency Purposes. Hoistway door unlocking devices conforming to Rules 111.9c(1) and (3) shall be provided for all hoist way doors.

(b) No change.

(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.

(d) Rule 805.2d is added, and 805.1a Starting Switch of ASME A17.1, is amended to read as follows: Starting switches must be of the key-operated type and must be located so that the escalator steps are within sight. Automatic starting by any means is prohibited. The key for the starting switches

must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) No change.

(8) Specifically excluded from ASME A17.1, 1996 ~~1993~~ edition and supplements are:

(a) through (d) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, _____.

61C-5.004 Bulletin Boards.

(1) through (6) No change.

(7) The bottom of the bulletin boards shall not be less than ~~4~~ 5 feet above the cab floor, and no less than three inches above a handrail. ~~and the~~ The total area shall not exceed 4 square feet.

Specific Authority 399.02 FS. Law Implemented 399.02(2) History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94, _____.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996 ~~1993~~, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rules cited below:

(a) through (g) No change.

(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rule cited below:

(a) through (d) No change.

(e) Car Leveling device (addition of) and (trucking device) 1202.12b ~~1202.4a~~ 1203.8b

(f) through (x) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96, _____.

61C-5.013 Service Maintenance Contracts.

(1) No change.

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME/ANSI A17.2.1, A17.2.2, and A17.2.3, Inspectors Manuals, and latest Addendas, ~~Part I, H, III and IV~~, for its routine examinations of elevators;

(b) through (2) No change.

Specific Authority 399.02 FS. Law Implemented 399.01 FS. History—New 2-2-94, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: _____ RULE NO.: _____

Duplicate License or Registration Fee 61G3-20.012

PURPOSE AND EFFECT: The Board proposes the development to change the duplicate license or registration fee from \$20.00 to \$25.00.

SUBJECT AREA TO BE ADDRESSED: Duplicate License or Registration Fee.

SPECIFIC AUTHORITY: 476.192(1)(d) FS.

LAW IMPLEMENTED: 476.192(1)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-20.012 Duplicate License or Registration Fee.

The fee for the issuance of a duplicate license or registration shall be twenty five dollars (~~\$25~~0.00).

Specific Authority 476.192(1)(d) FS. Law Implemented 476.192(1)(d) FS. History—New 7-16-80, Formerly 21C-20.12, Amended 12-23-90, Formerly 21C-20.012, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: _____ RULE NO.: _____

Post-licensing Education for Active and Inactive

Broker and Salesperson Licensees 61J2-3.020

PURPOSE AND EFFECT: The purpose and effect is to allow real estate licensees, who fail the post-licensing end of course examination, to retake the examination once prior to requiring them to retake the post-licensing course.

SUBJECT AREA TO BE ADDRESSED: Requirements for broker, broker-salesperson and salesperson licensees who fail the Commission prescribed end of course examination and choose to retake the examination.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m., April 19, 2000

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 W. Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) through (7) No change.

(8)(a) Students failing a post-licensing education course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination repeat the Commission prescribed or approved course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

(b) Make-up classes to enable a student to take the prescribed end of course examination, which are due to student or family illness, may not extend more than 30 days beyond the class scheduled end of course examination. Make-up ~~Make up~~ classes must be the classes missed by the student and must consist of the original Commission prescribed course material.

(9) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Formulary

RULE NO.: 64B15-6.0038

PURPOSE AND EFFECT: The Board proposes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUBJECT AREA TO BE ADDRESSED: The Physician Assistant formulary.

SPECIFIC AUTHORITY: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0038 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467 through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change.

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History--New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Trap Reduction Schedule RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The purpose of this rule development effort is to postpone until the 2001-2002 license year the scheduled 10% reduction in spiny lobster traps and trap certificates. Without this rule change, the ten percent reduction would take place in the coming spiny lobster season, which begins in August of this year. The effect of this effort will be to allow commercial lobster harvest in the 2000-2001 season, using the same number of traps as used in the 1999-2000 season, while providing an additional year to evaluate the economic and biological impact of the trap reduction program.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Trap Reduction Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, March 31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, 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 agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.009 Trap Reduction Schedule.

(1) Beginning with the 1997-1998 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by the percentage specified in this subsection from the total issued for the immediately previous season. These reductions shall apply to all lobster trap certificate holders.

(a) For the license year 1997-1998, the reduction shall be 0 percent.

(b) For the license year 1998-1999, the reduction shall be 10 percent.

(c) For the license year 1999-2000, the reduction shall be 0 percent.

(d) For the license year 2000-2001, the reduction shall be 0 percent.

(e) For the license year 2001-2002, the reduction shall be 10 percent.

(2) It is the intention of the Fish and Wildlife Conservation Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend, reverse, or extend the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE CHAPTER TITLE: Florida Birth-Related Neurological RULE CHAPTER NO.: 4J-6

RULE TITLE: Medical Panel Advisory Review RULE NO.: 4J-6.001

PURPOSE AND EFFECT: Section 766.308(2), Florida Statutes, requires that the Department of Insurance develop a plan which provides procedures for the medical advisory panel to review NICA claims. The statute further requires that the Department obtain input from the Department of Health regarding any proposed rules. Input from the Division of Medical Quality Assurance and the Children's Medical Service Program was also obtained. The amendment will provide the procedures as required by section 766.308(2), Florida Statutes.

SUMMARY: The establishment of procedures for the medical advisory committee to review NICA claims.