

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Permit for Catching and Possession of Fish Protected by Law As Stock for Artificial Cultivation

RULE TITLE: Review, Expiration, Revocation, Penalty **RULE NO.:** 68E-3.004

PURPOSE AND EFFECT: The purpose of this rule development effort, in conjunction with rules being proposed for the cultivation of snook and sale for use in private pay-to-fish ponds and aquariums, is to change the technical term of permits issued for the collection of broodstock to allow flexibility in issuance and effectiveness. The effect of this effort will be to assist in the artificial cultivation of snook and other species for lawful purposes.

SUBJECT AREA TO BE ADDRESSED: Permits for collection of broodstock for aquaculture purposes.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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 Cindy Hoffman, ADA Coordinator at (850)488-6411. 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68E-3.004 Review, Expiration, Revocation, Penalty.

(1) Permit applications will be reviewed and approved by the Directors of the Divisions of Law Enforcement and Marine Fisheries or designated representatives thereof. All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection trip.

(2) Permits may be issued at any time during the year. All Permits are valid for up to one year from the date of issuance and may be renewed by application in the same manner as for the original permit automatically expire January 31 of each year and are renewable in writing each year. Permits are nontransferable.

(3) Permits may be forfeited and revoked for cause by the Commission. Cause for forfeiture or revocation would include, but not be limited to, violating or otherwise failing to comply with the provisions of Rule 68E-3, F.A.C.

Specific Authority Art. IV, Sec 9, Fla. Const. 370.02, 370.021 FS. Law Implemented Art. IV, Sec 9, Fla. Const. 370.101(2),(3), 370.021 FS. History—New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: RULE CHAPTER NO.: Archaeological and Historical Report

Standards and Guidelines **RULE NO.:** 1A-46

RULE TITLE: RULE NO.: Standards and Guidelines for Reports **RULE NO.:** 1A-46.001

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the criteria by which the Division of Historical Resources will review reports of cultural resources identification and evaluation on projects which the Division has review authority.

SUMMARY: The proposed amendment provides expanded standardized definitions for cultural resource management activities and amends investigation and reporting standards for archaeological and historical evaluations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 267.031(1), 267.061(5)(k) FS.

LAW IMPLEMENTED: 267.061 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., March 11, 2002

PLACE: R. A. Gray Building, 500 S. Bronough Street, Third Floor Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Yates, Office Automation Analyst, Office of the Director, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6372, e-mail byates@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed or permitted projects; and on local projects for which the Division has review authority.

(2)(4) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

(c)(b) "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f)(e) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

(i) "Documentation activities" means actions, such as mitigation of potential impact, undertaken for the purpose of recovering data about or from archaeological sites to evaluate and determine significance or to document through archaeological excavation the archaeological site, fully or by means of representative samples, as it existed prior to proposed alteration, damage or destruction.

(e) "Evaluation activities" means actions, such as inventory and assessment, undertaken for the purpose of determining whether identified archaeological sites are historically significant.

(f) "Federally involved projects" means federal or federally assisted, licensed or permitted actions.

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

(j)(e) "Florida Master Site File" or "FMSF" means the record list of identified historical resources maintained by the Division all recorded archaeological and historical sites, buildings and other real properties of historical, archaeological or architectural value.

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to document using the Historic American Buildings Survey (HABS) or Historic Engineering Record (HAER) standards and guidelines prior to proposed alteration or destruction.

(l) "Historical resource" means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old of historical, architectural, or archaeological value.

(m) "Historic context" means the organizational format that groups information about related historical resources based on theme, geographical limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archaeology, engineering and culture, and identifies significant patterns that individual historical resources represent. A set of historic contexts is a comprehensive summary of all aspects of the history of an area. "Identification activities" means actions, such as survey, undertaken for the purpose of locating and identifying archaeological sites.

(n)(f) "Local undertaking projects" means a project, activity or program undertakings subject to the provisions of a local ordinance or regulation for which the Division has been assigned review authority responsibility.

(o)(j) "National Register" means the National Register of Historic Places, the list of historical resources significant in American history, architecture, archaeology, engineering and culture and authorized by the National Historic Preservation Act of 1966 as amended and administered by the U.S. Department of the Interior, National Park Service.

(p)(k) "Principal Investigator" means the person or persons responsible for supervising archaeological fieldwork and historical fieldwork identification, evaluation, and documentation investigations.

(1) "Significance" means historical importance judged according to criteria of National Register eligibility or other criteria specified in applicable law or rule.

(q) “State undertaking” means a project, activity or program in which a state agency of the executive branch has direct or indirect jurisdiction; those in which a state agency provides financial assistance to a project or entity; and those in which a state agency is involved through the issuance of state permits or licenses.

(r)(m) "Sufficiency" means determining whether a report meets the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (published in the Federal Register, Vol. 48, No. 190, pp. 44716-44740, September 29, 1983), herein incorporated by reference, with respect to identification, evaluation, and documentation.

(3)(2) Reports. Reports of the results of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities shall include the topics in (a)-(h) (4) below in sufficient detail for the Division of Historical Resources (Division) to review for completeness and sufficiency. For projects of limited scope, topics that are not applicable may be omitted when a justification for this decision is provided. In addition, all reports shall be consistent with and meet the terms of the standards and guidelines for identification, evaluation and documentation contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation". This section shall apply to federal, state and local undertakings federally involved projects, state involved projects and local projects for which the Division has been assigned review responsibility. This section shall not apply to activities permitted by the Division in accordance with Chapter 1A-31, Florida Administrative Code. Principal Investigators for reports of projects on state owned or controlled land and for Division grant in aid projects shall meet the minimum qualifications for archaeologists archaeology, history, architecture, architectural history, or historic architecture contained in 36 C.F.R. 61 ("Procedures for Approved State and Local Historic Preservation Programs, Appendix A, Professional Qualifications Standards"), herein incorporated by reference, effective 7-91. While not required, these minimum qualifications are recommended for principal investigators on state and state assisted undertakings. For purposes of this rule, a "state undertaking" is a project in which a state agency performs the majority, if not all of the project activities. A "state assisted undertaking" is a project in which a state agency provides financial assistance to a project or entity, or is involved through the issuance of state permits or licenses.

(a) General Description. The description of the project shall address the project location (including boundary map) and description; the purpose of the project; the area of potential effect; and the pertinent federal, state or local laws and regulations.

(b) Archival Research. Archival research shall address past field surveys in the project area and the relevance of the major findings to the area currently under study; pertinent data in the Florida Master Site File; pertinent environmental and paleoenvironmental data; pertinent data in other studies appropriate for the research problem; pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans; and pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies. Research results shall be presented in a chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area.

(c) Research Design. The description of the research design shall address the objectives; methods; expected results; and procedures to deal with unexpected discoveries including the discovery of human remains in accordance with Section 872.05, Florida Statutes.

(d) Archaeological Fieldwork. The description of archaeological fieldwork activities shall address the types kinds of sites encountered and looked for, evaluated or documented; the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the location of all tests and or excavations, including maps depicting testing locations and results used to establish site boundaries, site components, integrity of sites and subareas within the portions of sites, and other relevant topics; information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components; information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur; photographs of each site; photographs and illustrations representative of site subareas or features, and or formal excavation units; identification of portions of the project area that were examined but that did not contain archaeological remains; special survey techniques; and information on changes in research design or methodology. Special survey techniques may be necessary to search for certain subsurface or underwater archaeological sites. The description of special survey techniques shall address the following topics: equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources investigated by examination to

determine their nature. Underwater archaeological surveys shall be conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys", herein incorporated by reference.

(e) Historical Fieldwork. The description of historical fieldwork activities shall address the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the types of resources identified and evaluated; a list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map; descriptions for all identified resources; photographs or illustrations representative of resources located in the project area; information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur; and an explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering or cultural resources.

(f)(e) Archaeological Results and Conclusions. The description of the results analysis and conclusions of the archaeological resource investigations shall address laboratory methods used to analyze artifacts and other site materials recovered collected during the archaeological investigations in the project area; project, and the curation location of artifacts and project records; findings in relation to the stated objectives of the investigations project; how sites are disturbed and an assessment of site their integrity; methods used to apply National Register criteria for a determination of eligibility and historic context; the significance of evaluated sites; a discussion of completeness of project efforts and the need for any additional identification, evaluation or documentation efforts; conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site; and a bibliography of those sources utilized including preservation, excavation, or no action.

(g) Historical Results and Conclusions. The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address findings in relation to the stated objectives; an assessment of the integrity of evaluated sites; methods used to apply National Register criteria for a determination of eligibility and historic context; a description of the constituent elements that constitute the complete property (e.g. outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register; the National Register property boundaries depicted on a scaled site plan sketch; conclusions and analysis of the findings; a discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history; recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance.

minimization or mitigation of potential impacts, or no action; a discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts; the location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.); and a bibliography of those sources used.

(h)(f) Florida Master Site File (FMSF) Requirements. Reports of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities will be deemed incomplete if they do not contain FMSF survey log sheets for each report and site forms for each site identified, evaluated or documented. All archaeological fieldwork and historical fieldwork identification, evaluation and documentation reports shall should include the following, either as part of the report or as accompanying documents:

1. Completed FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97) (Form AH6E03002-89, effective 6-10-92) with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map, the Florida Department of Transportation County Highway Map; and

2. Completed FMSF archaeological site forms (Form HR6E06401-97, effective 3-1-97), (Form AH6E03002-89, effective 6-10-92) and supplement for site forms (Form AH6E03202-89, effective 6-10-92), as appropriate.

3. Completed FMSF historical structure forms (Form HR6E06308-96, effective 11-1-96) as appropriate.

4. Completed FMSF historical bridge forms (Form HR6E06510-97, effective 10-1-97) as appropriate.

5. Completed FMSF historical cemetery forms (Form HR6E04806-92, effective 8-1-98) as appropriate.

6. Completed FMSF shipwreck forms (Form HR6E05006-92, effective 7-1-92) as appropriate.

7. Completed FMSF resource group forms (Form HR6E05711-01, effective 7-1-00) as appropriate.

8. An with original or photocopy portion of U.S. Geological Survey (1:24,000) 7.5 minute quadrangle series topographic quadrangle maps for all identified sites showing site locations. These forms are herein incorporated by reference and are available by writing the Division at R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. These forms may also be obtained from the Division's website at www.flheritage.com.

(4)(3) Review Procedures. The following procedures shall be followed in the review of archaeological fieldwork and historical fieldwork identification, evaluation, and documentation reports:

(a) Reports and accompanying documentation shall be submitted to the Bureau of Historic Preservation at the Division.

(b) The Division shall notify the agency or applicant in writing within fifteen ten (10) working days of receipt of a review request, of any additional information required.

(c) Upon its determination that the report information is complete, the Division shall complete its review of the report for sufficiency based on the criteria specified in 1A-46.001(3)(2), F.A.C., within thirty calendar days.

(d) The Division shall notify the agency or applicant of its decision as to whether the report meets the requirements of this rule with respect to completeness and sufficiency, and shall include a statement of the reason for determining a report to be incomplete or insufficient.

Specific Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History-New 6-10-92, Amended 7-21-96.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Brian Yates, Office Automation Analyst, Division of Historical Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Snyder Matthews, Ph.D., Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Eligibility for Late Registration by Overseas Voters RULE NO.: 1S-2.029

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe specific documentation that is sufficient to determine eligibility for late registration pursuant to section 47, Chapter 2001-40, Laws of Florida.

SUMMARY: This rule provides specific documentation required for late registration for an individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States after book closing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 97.0555 FS.

LAW IMPLEMENTED: 97.0555 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 p.m. – 5:00 p.m., March 8, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1703/1707, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.029 Eligibility for Late Registration by Overseas Voters.

(1) Pursuant to s. 97.0555, Florida Statutes, the following persons, who are otherwise qualified, are allowed to register after the book closing for an election and are allowed to vote in that election:

(a) An individual who has been discharged or separated from the uniformed services after the book closing;

(b) An individual who has been employed in the Merchant Marine and has left that employment after the book closing;

(c) An individual who has left his or her employment outside the territorial limits of the United States after the book closing; and

(d) Family members accompanying such individuals.

Such persons must register by 5 p.m. on the Friday before the election at the office of the supervisor of elections to be eligible to vote in that election.

(2) Each person registering pursuant to this section must provide documentation pursuant to this rule showing evidence of eligibility to register after the books have closed.

(3) An individual who has been discharged or separated from the uniformed services must:

(a) Provide one of the following pieces of documentation:

1. Certificate of Release or Discharge from Active Duty (DD form 214, eff. 2/00), which is hereby incorporated by reference and available from the Department of Defense; or

2. Military Permanent Change of Station Orders to home of record while awaiting a DD Form 214.

(b) In addition to the information provided in (a), an individual who has been discharged or separated from the uniformed services must complete the following oath and this form must indicate that the individual was discharged or separated during the period the books were closed for the election:

Oath of Individual Separated or Discharged from the Uniformed Services

Under penalty of perjury, I _____, hereby swear or affirm that I was discharged or separated from the (branch of service) on (date).

Signature of voter: _____

Address of voter: _____

Sworn to and subscribed before me this _____ day of _____, 20_____. _____

Signature of Supervisor of Elections or deputy supervisor: _____

(4) An individual who has been employed in the Merchant Marine must provide documentation showing evidence of being employed in the Merchant Marine and must complete the oath as provided in (6).

(5) An individual who has left employment outside the territorial limits of the United States must provide a valid passport showing the date of re-entry into the United States, which date must be during the period the books were closed for the election, and must complete the oath as provided in (6).

(6) Oath of Individual Employed Outside the United States or in the Merchant Marine

Under penalty of perjury, I _____, hereby swear or affirm that I was employed outside the territorial limits of the United States or in the Merchant Marine and that my last day of employment was _____. The following is the information regarding my previous employer:

Name of employer: _____

Address of employer: Telephone Number of employer: _____

Signature of voter: _____

Address of voter: _____

Sworn to and subscribed before me this _____ day of _____, 20_____. _____

Signature of Supervisor of Elections or deputy supervisor: _____

(7) A family member accompanying an individual who was discharged or separated from the uniformed services must provide a copy of the information required of the individual pursuant to (3)(a) and complete the following oath:

Oath of Family Member (Uniformed Service)

Under penalty of perjury, I _____ swear or affirm that (name of individual discharged or separated from the uniformed services) was discharged or separated from (branch of service) on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her discharge or separation.

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20_____. _____

Signature of Supervisor of Elections or deputy supervisor: _____

(8) A family member accompanying an individual who has left employment in the Merchant Marine must provide documentation showing that the individual was employed in the Merchant Marine and must complete the following oath:

Oath of Family Member

(Merchant Marine)

Under penalty of perjury, I _____ swear or affirm that (name of individual who has left employment in the Merchant Marine) left employment in the Merchant Marine on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her leaving that employment. The following is the information regarding his/her previous employer:

Name of employer: _____

Address of employer: _____

Telephone number of employer: _____

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20_____. _____

Signature of Supervisor of Elections or deputy supervisor: _____

(9) A family member who was accompanying an individual who has left employment outside the territorial limits of the United States must provide a valid passport showing the date of re-entry into the United States, which date must be during the period of time the books were closed for the election, and complete the following oath:

Oath of Family Member

(Employment Outside the United States)

Under penalty of perjury, I _____ swear or affirm that (name of individual who has left employment) left employment outside the United States on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her returning to the United States. The following is the information regarding his/her previous employer:

Name of employer: _____

Address of employer: _____

Telephone number of employer: _____

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20_____. _____

Signature of Supervisor of Elections or deputy supervisor: _____

Specific Authority 97.0555 FS. Law Implemented 97.0555 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Electronic Transmission of
Absentee Ballots

RULE NO.: 1S-2.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile or other electronic means from overseas voters.

SUMMARY: This rule authorizes a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile or other electronic means from overseas voters. The rule provides required voter information for an absentee ballot request from an overseas voter via facsimile or electronic mail. The rule provides that an overseas voter may request an absentee ballot by facsimile or electronic mail, but must provide the voted absentee ballot via facsimile. The rule provides for verification and security of transmission as well as proper recording of absentee ballots sent and received.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.697 FS.

LAW IMPLEMENTED: 101.697 FS.

HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 5:00 p.m., March 8, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1703/1707, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in s. 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

(a) The name of the voter requesting the ballot.

(b) The voter's county of legal residence in Florida.

(c) The voter's date of birth.

(d) One of the following:

1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.

2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.

3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.

(e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections. In order for the ballot to be counted it must be received by the supervisor of elections no later than the time the polls close for the election.

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be the same as the Voter's Certificate in s. 101.64, F.S., with the addition of the following language before the voter's signature: "I understand that if I am faxing my voted ballot, I voluntarily waive my right to a secret ballot."

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) In order for your ballot to be counted, you must complete the Voter's Certificate, which must include your signature and the signature and address of a witness 18 years of age or older. You must also include the date you signed the Voter's Certificate or your ballot may not be counted.

(d) You may return your voted ballot either by facsimile or by mail.

(e) You may fax your ballot and the Voter's Certificate to the supervisor of elections at (fax phone number). If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

(f) To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

(g) FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine

if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy K. Tuck, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control	

Regulations	5E-14
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RULE TITLES:	RULE NOS.:
Definitions	5E-14.102

Contractual Agreements in Public's Interest – Control and Preventative Treatment for Wood-Destroying Organisms	5E-14.105
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Fumigation Requirements – General Fumigation	5E-14.108
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Identification Card – Training Verification	5E-14.1421
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PURPOSE AND EFFECT: The purpose and effect of the rule changes is to amend Chapter 5E-14, F.A.C., to address Statute changes, to obtain improved consumer protection provisions by modifying pest control contracts and the Wood-Destroying Organism reporting form. This rule amendment also adds a

new section 5E-14.1421: Identification Card – Training Verification, to further protect consumers by insuring that operator's competence through training is verifiable.

SUMMARY: The rule addresses Statute changes to obtain improved consumer protection provisions by modifying pest control contracts and the Wood-Destroying Organism reporting form. This rule also adds a new section to further protect consumers by insuring operator's competence through verifiable training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 482.051, 482.071, 482.111, 482.141, 482.155, 482.156, 482.091 FS.

LAW IMPLEMENTED: 482.051, 482.071, 482.111, 482.141, 482.151, 482.155, 482.156 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., March 15, 2002

PLACE: 3125 Conner Blvd, George Eyster Auditorium, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.102 Definitions.

(1) through (7) No change.

(8) "Spot treatment" – Treatment restricted to specific area(s) of a structure to control or prevent pests, not including whole structure fumigation, or other treatments that encompass an entire structure performed in accordance with label directions.

(9) No change.

(10) "Classroom" – A student or students studying a subject in a setting conducive to learning, other than field training, with an instructor or other multimedia instructional tools, computer instruction, or correspondence courses.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93.

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) through (3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2) shall apply. In addition to these, a statement shall be made, in conspicuous type, that the treatment is a treatment of only specific areas and is not to be considered a treatment of the entire structure. The property owner must initial this statement. The specific areas in, on or under the structure to be treated shall be listed in the written contract.

(5) through (7) No change.

(8) The detection of wood-destroying organisms, meeting the terms or conditions for retreatment as specified in the consumer's contract, shall be retreated within (180) days.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), 482.161, 482.191, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn–See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93.

5E-14.108 Fumigation Requirements – General Fumigation.

(1) through (3) No change.

(4) The Department may issue an immediate stop-use or stop-work order, DACS 13659 (03-02), incorporated by reference, for fumigation performed in violation of fumigant label requirements or Department rules, or in a manner that presents an immediate serious danger to the health, safety or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment. Fumigant use or work cannot be resumed until corrections are made, verified and the release section of the stop order is completed by Department personnel.

Specific Authority 482.051 FS. Law Implemented 482.021(6),(20), 482.051(1), 482.152 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95.

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period.

(2) The Department will accept any one of the following as verifiable training:

(a) Written record of attendance on a form prescribed by the Department and furnished by the licensee or trainer, DACS 13662 (03-02), with a complete copy of all training materials used during the training session that covers the training topics required by 482.091(10), F.S.; or

(b) Written record of attendance at a Department approved certified operator continuing education course on the form prescribed by the Department and furnished by the trainer, DACS 13325 (01-02), provided the course content covers the training topics as required by 482.091(10), F.S.

(3) Each training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. Suggested topics that would satisfy ID card training requirements in pesticide safety, include, but are not limited to: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. Suggested topics that would satisfy ID card training requirements in integrated pest management, include, but are not limited to: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. Suggested topics that would satisfy ID card training requirements in applicable federal and state laws and rules, include, but are not limited to: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, Florida Statutes, and/or Chapter 5E-14, Florida Administrative Code, reviewing the regulatory agencies or legislative bodies dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.021(9), 482.051(1), 482.091(1),(2),(3),(4) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: T. Wayne Gale, Chief, Bureau of Entomology and Pest Control, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: RULE NO.:
President 6D-4.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish the duties and responsibilities of the President of the Florida School for the Deaf and the Blind.

SUMMARY: This rule indicates that the President of Florida School for the Deaf and the Blind shall serve as Secretary to the Board of Trustees of the Florida School for the Deaf and the Blind and Executive Officer of the school. It outlines the President's duties and responsibilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:

TIME AND DATE: 9:00 a.m., March 16, 2002

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-4.002 President.

(1) through (2)(n) No change.

(o) To serve as Secretary to the Board of Trustees and Chief Executive Officer of the clerk to the Florida School for the Deaf and the Blind.

(3) Certification requirements are certification by the State of Florida in Hearing Impaired/Visually Impaired, and Administration and Supervision or Educational Leadership.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.52(10) FS. History-New 12-19-74, Amended 10-29-84, 9-8-85, 12-6-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: RULE NO.:
Business Manager 6D-4.003

PURPOSE AND EFFECT: The purpose of this Rule is to establish the duties and responsibilities of the Business Manager of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes areas of supervision of the Business Manager of the Florida School for the Deaf and the Blind and outlines duties and responsibilities of this position.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:

TIME AND DATE: 9:00 a.m., March 16, 2002

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-4.003 Business Manager.

(1) through (2)(d) No change.

(e) Prepare under the direction of the President ~~and the Finance Committee of the Board~~, a detailed item budget, with analysis, review and justification of the same and of proposed amendments to previously approved budgets, and to prepare periodic reports therefrom as directed.

(f) Serve as advisor to the President and to the Board on the fiscal policy and the needs of the School.

(g) Conduct a continuous internal audit of all financial affairs of the School in a manner prescribed by law.

~~(h) Ensure that leave records are maintained for all personnel.~~

~~(h)(i) Establish written policies to control the use of State-owned vehicles.~~

~~(i)(j) Be responsible for procedures for all collections from the sale of goods and services and to provide instructions applicable to the work to be accepted.~~

~~(j)(k) Supervise departments assigned by the President, which include but are not limited to the following departments:~~

1. Safety Personnel
2. Accounting
3. Purchasing, Receiving and Property Control
4. Resource Development Federal Grants
5. Maintenance and Facilities
6. Food Service
7. Household and Laundry Services Transportation Services
8. Transportation Services Laundry Services
9. Campus Security/Police Health Services
10. Student Bank/Endowment Information Services and Other related work as assigned.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), ~~120.53(1)(a)~~ FS. History-New 12-19-74, Amended 10-29-84, 9-8-85, 8-26-86, 12-6-92.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: RULE NO.:

Food Service Policies 6D-8.004

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Policies and Procedures that will be followed by the Food Service Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines covering subject matter to be incorporated in the Operations Manual of the Food Service Department of the Florida School for the Deaf and the Blind.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:

TIME AND DATE: 9:00 a.m., March 16, 2002

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-8.004 Food Service Policies.

(1) The Food Service program shall have written policies and procedures which govern the services provided to students. These policies and procedures shall be reviewed at least annually, and revised and updated as necessary. Each policy shall have written procedures for implementation. Policies shall include but not be limited to the provisions for:

- (a) Food Service operations.
- (b) Menu planning.
- (c) Food purchasing and storage.
- (d) Issuances from central storage.
- (e) Food production.
- (f) Meal count/cost control.
- (g) Sanitation.
- (h) Personnel.
- (i) Quality assurance monitoring.
- (j) Energy management.

(2) The Food Service Department Operations Manual, revised October 2001, adopted by the Board of Trustees pursuant to the provisions of Section 242.331(3), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 242.331(3) FS. Law Implemented ~~420.53(1)(b)~~, 242.331(4) FS. History—New 1-17-91, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
FDOT Prepaid Escrow Accounts 14-114

RULE TITLES:	RULE NOS.:
Purpose	14-114.001
Prepaid Escrow Accounts	14-114.0011
Definitions	14-114.002
Initial Application	14-114.003
Processing of the Application	14-114.004
Monthly Billing	14-114.005
Termination	14-114.006
Forms	14-114.007

PURPOSE AND EFFECT: A revised Account Bond form, DOT Form Number 350-060-08, and Prepaid Escrow Account Application, DOT Form Number 350-060-10, are incorporated by reference. In addition, the rule chapter is restructured to repeal the individual rules and to adopt a new rule which includes the text of the previous individual rules. Further, the rule is revised as to definitions, grammar, and organization. The net result will be a single rule to replace the previous seven rules.

SUMMARY: A revised Account Bond form is incorporated by reference. In addition, the rule chapter is restructured to repeal the individual rules and to adopt a new rule which includes the text of the previous individual rules.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been developed.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

~~RULES FOR THE USE OF FDOT PREPAID ESCROW ACCOUNTS~~

14-114.001 Purpose.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 10-11-94, Repealed.

14-114.0011 Prepaid Escrow Accounts.

(1) This rule establishes the procedures for the use of prepaid escrow accounts for purchases of materials and documents from the Department. Materials and documents which may be purchased are: contract bidding documents, plans, maps, standard specifications for road and bridge construction, bid tabulations, photostatic or certified copies of documents, manuals, aerial photography and photolab reproductions, permits for overweight/overdimensional fees, and other similar items.

(2) Definitions.

(a) "Account" means a prepaid escrow account.

(b) "Account Holder" means anyone who has an active approved application for a commercial, Florida Government, other government, state agency, or individual account.

(c) "Commercial Account" means any prepaid escrow account used in the furtherance of trade or commerce by a business.

(d) "Department" means the Florida Department of Transportation.

(e) "Florida Governmental Account" means a prepaid escrow account of any local governmental entity, as defined in Section 334.03(14), Florida Statutes, and any public body as defined in Section 1.01(8), Florida Statutes.

(g) "Individual Account" means an account other than a Commercial, Florida Governmental, Other Governmental, or State Agency prepaid escrow account.

(h) "Other Governmental Account" means an account used by a unit or subdivision of the federal government or state government, other than those otherwise defined herein.

(i) "Prepaid Escrow Account" means the accounts specifically defined herein which are established for the purpose of allowing customers of the Department to make purchases without payment at the time of transaction.

(j) "Security Deposit" means a combination of cash and account bond required to guarantee payment.

(k) "State Agency Account" means a prepaid escrow account issued to those agencies included in Section 20.03(2), Florida Statutes, the Office of the Governor, the Cabinet, and all Cabinet agencies.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 01/02, and the appropriate deposit as set forth in paragraph 14-114.004(4)(b), F.A.C., to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway, East, Tallahassee, Florida 32311-3400.

(4) Processing of the Application.

(a) Approval. The Florida Department of Transportation Office of Comptroller will review all applications for accuracy and completeness before processing. Upon completion of the review and approval, each approved application will be assigned a numeric account number by the Office of Comptroller for entry into the Department accounts receivable records, and for monthly billing purposes. An executed copy of the application will be returned to the applicant, who is then an account holder.

(b) Security Deposit. An account will not be approved until the required security deposit has been received and approved by the Department. With the exception of State Agency Accounts, the required security deposit for each account is \$300.00, or three times the estimated monthly usage, whichever is greater. Deposits for Commercial Accounts, Other Governmental Accounts, and Individual Accounts may be made in cash for the full amount of the required security deposit, or with \$300.00 cash and the remainder by account bond. Deposits for Florida Governmental Accounts may be made with a purchase order to the Department up to an amount of \$10,000.00, and the remainder by cash or account bond; or a cash deposit for the full amount of the required security deposit; or with a \$300.00 cash deposit and the remainder by account bond. All account

bonds must be on the Account Bond, Department of Transportation Form 350-060-08, R. 01/02. State Agency Accounts will not require security deposits unless the agency fails to pay the account in compliance with Section 215.422, Florida Statutes. If a State Agency Account holder fails to pay as required, the Department will require the same security deposit for the State Agency Account as for an Other Governmental Account.

(c) Increase in Deposit. If, after establishment of an account, actual monthly usage exceeds estimated monthly usage, the deposit must be increased to equal the sum of the three highest months' usage in the last 12 month period. If the account has been established for less than three full months, the usage will be based on the period the account has been in use. The Department will notify the account holder in writing of the increase in the security deposit required. Failure to increase the security deposit to the proper level within 30 days of receipt of the notification will cause immediate loss of account usage privileges until the required security deposit is received by the Department. If the required security deposit is not increased within an additional 15 days, the account will be terminated.

(d) Suspension of Account. If usage in any one month exceeds the amount of the security deposit, all account privileges will immediately be suspended until the security deposit is increased in conformance with paragraph 14-114.0011(4)(c), F.A.C. Additionally, if at any time the total unpaid balance on the account exceeds the amount of the security deposit, all account privileges will immediately be suspended until the security deposit is increased in conformance with paragraph 14-114.0011(4)(c), F.A.C.

(5) Monthly Billing. A monthly billing is prepared and mailed to the account holder. If an account is not paid in full within 30 days of the date of the billing, the account becomes past due. If not paid within 15 days of becoming past due, a suspension notice will be issued and the account holder will be refused account privileges. If the account is not paid within 15 days of the date of the suspension notice, the account will be terminated.

(6) Termination. The Department or the account holder may terminate the account for any reason. When an account is terminated, outstanding purchases will be deducted from the balance of the account holder's deposit. If there are not sufficient funds in the account to cover outstanding purchases, the account holder will be notified of the funds due. The account holder must pay all sums due within 30 days of the termination notification. If payment is not received, the Department will pursue collection of any amounts owed. Any funds remaining in the account holder's account in excess of the outstanding purchases will be refunded to the account holder upon verification that all amounts due have been paid. When an account has been terminated for non-payment the account holder will not be eligible to apply for a Prepaid

Escrow Account for a period of one year after the date of termination. Upon the second termination of an account for non-payment, the applicant will no longer be eligible for a Prepaid Escrow Account with the Department.

(7) Forms. The following forms, which are incorporated by reference and made a part of these rules, are to be used by the applicants for Prepaid Escrow Accounts:

Form Number	Date	Title
350-060-10	01/02	Prepaid Escrow Account Application
350-060-08	01/02	Account Bond

These forms may be obtained from the Department of Transportation Office of the Comptroller, Accounts Receivable Section, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History-New

14-114.002 Definitions.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History-New 10-11-94, Repealed

14-114.003 Initial Application.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 316.550, 334.187 FS. History-New 10-11-94, Repealed

14-114.004 Processing of the Application.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187, 339.2815 FS. History-New 10-11-94, Repealed

14-114.005 Monthly Billing.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187, 339.2815 FS. History-New 10-11-94, Repealed

14-114.006 Termination.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History-New 10-11-94, Repealed

14-114.007 Forms.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 283.30, 316.550, 334.187 FS. History-New 10-11-94, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Naitove, Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Market Classification, Maturity

Standards and Processing or
Packing Restrictions for Hybrids

RULE TITLE: RULE NO.:
Oranges: 2001-2002 Anhydrous Acid

Maturity Standards 20-13.0011

PURPOSE AND EFFECT: Amendment would extend through the end of the 2001-2002 citrus season the lower minimum acid requirement for mature fresh oranges, which was adopted by emergency rule effective December 21, 2001.

SUMMARY: Extends lower minimum acid requirement for fresh oranges through the end of the 2001-2002 citrus season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., February 20, 2002

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.0011 Oranges: ~~2001-2002 1995-1996~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning ~~December 21, 2001 January 25, 1996~~ up to and including ~~July 31, 2002 July 31, 1996~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) All other state laws applicable to the maturity of oranges shall remain in effect.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History-New 3-14-93, Amended 2-12-95, 1-17-96

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Inmate Grievances – Miscellaneous Provisions 33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an inconsistency in the rules addressing inmate grievances.

SUMMARY: Rule 33-103.015, F.A.C., requires that medical grievances filed at the institutional level be forwarded to the chief health officer for review and response. Language in Rule 33-103.015, F.A.C., which requires that the warden respond to these grievances is being deleted for consistency between the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden to grant and implement relief as approved by the warden, except as to grievances involving discipline, medical grievances, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Unemployment Compensation Tax	60BB-2
RULE TITLES:	RULE NOS.:
Definitions	60BB-2.022
General Information	60BB-2.023
Initial Reports and Determinations	60BB-2.024
Reports Required of Liable Employers; Filing of Reports by Electronic Data	
Interchange Methods	60BB-2.025
Determination to Liable Employers	60BB-2.026
Payment of Contributions	60BB-2.027
Delinquent Accounts	60BB-2.028
Succession	60BB-2.031
Employing Unit Records	60BB-2.032
Protests of Liability, Assessment, Reimbursement and Tax Rate –	
Special Deputy Hearings	60BB-2.035
Public Use Forms	60BB-2.037

PURPOSE AND EFFECT: Effective October 1, 2000, the Florida Unemployment Compensation program was transferred from the Department of Labor and Employment Security to the Agency for Workforce Innovation, pursuant to Chapter 2000-165, Laws of Florida. Consequently, the Agency for Workforce Innovation is the entity in Florida charged with the administration of the Unemployment Compensation Law contained in Chapter 443, Florida Statutes. The law further requires that the Agency for Workforce Innovation contract with the Department of Revenue for the collection of Unemployment Compensation taxes from liable employers. These organizational changes necessitate many substantive and technical modifications to this rule chapter.

SUMMARY: These changes to the Florida Unemployment Compensation Tax rules reflect the modifications made to the procedures regarding the payment of contributions by liable employers, as a result of the transfer of the Unemployment Compensation Program to the Agency for Workforce Innovation and the contracting of the tax collection function to the Department of Revenue. The changes clarify for employers the procedures they must follow in order to comply with the Unemployment Compensation Law, the proper entity to which they must submit various forms, the current name and number of those forms, and how the forms may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 443.171(2)(a), 695.25 FS.

LAW IMPLEMENTED: 120.57, 120.58(1),(2),(3), 443.036(16),(17), (18),(19),(33)(a),(34), 443.071(2),(3), 443.101(4), 443.111(4)(b), 443.121(4), 443.131, 443.141, 443.151(3)(b),(c), 443.163, 443.171(1),(7),(8),(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric R. Hurst, Senior Attorney, 1320 Executive Center Drive, Suite 300, The Atkins Buildings, Tallahassee, Florida 32399-2250, (850)488-7228

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-2.022 Definitions.

For the purpose of administering Chapter 443, Florida Statutes, the following definitions apply:

(1) No change.

(2) Agency: The Agency for Workforce Innovation. Designees, including, but not limited to, the Florida Department of Revenue, pursuant to Chapter 2000-165, Laws of Florida, shall be identified throughout this chapter.

(2) through (5) renumbered (3) through (6) No change.

(6) Division: The Division of Unemployment Compensation.

(7) Filing date: When reports, notices, protests, appeals and other documents are mailed to the Agency or the Department of Revenue, the postmark date of the United States Postal Service will be considered the date of filing.

(8)(7) No change.

(8) Predecessor: A legal entity which has transferred all or part of its business to another.

(9) through (10) No change.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(19)(d),(6),(g),(n)(4),(34), 443.131, 443.171(1) FS. History-New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended

60BB-2.023 General Information.

(1) Address of Record. It is the responsibility of each employing unit to maintain a current address of record with the Department of Revenue Agency at all times.

(2) Reports Prescribed by the Department of Revenue Agency. Each employing unit shall make and file reports as prescribed by the Department of Revenue Agency, shall include the worker's social security number in any report

submitted to the Department of Revenue Agency, and shall maintain a current address of record on file with the Department of Revenue Agency.

(3) Incomplete reports.

(a) Any report required to be signed by the employer, but which is submitted unsigned, or in a format not approved by the Department of Revenue, or any required report incomplete as to detail in accordance with instructions thereon, shall not be deemed a report and the employer shall be subject to the penalties imposed by Section 443.141(1)(b), Florida Statutes, until the filing of a signed and completed report in an approved format as required by the Department of Revenue Agency.

(b) Forms which the Department of Revenue Agency may use to notify employers of incomplete reports are:

1. LES Form UCT-FL06A 41, "Incomplete Report Notice," (Rev 05/01) "Notice of Omission on Report," (Rev 4/87), or

2. LES Form UCT-FL13A 42, "Missing Wage Report," (Rev 05/01) "Notice of Omission on Report Submitted," (Rev 2/91).

Both forms are herein incorporated by reference in Rule 60BB-2.037, F.A.C. and may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(4) Amended and Corrected Reports.

(a) Amended Reports. Amended reports shall be filed as directed by the Department of Revenue Agency or as determined necessary by the employing unit. The decision of the Department of Revenue Agency shall prevail whenever there is disagreement whether an amended report is necessary.

(b) Corrected Reports. Corrections to reports shall be made by using form LES Form UCT-8A, "Correction to Employer's Quarterly Unemployment Report (UCT-6)," (Rev 04/01 2/91), herein incorporated by reference in Rule 60BB-2.037, F.A.C. A copy may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(5) Extensions of Time for Filing Reports. Pursuant to Sections 443.141(1)(b) and 443.141(2)(a), Florida Statutes, when a written request for an extension of time for filing a required report is received prior to the report's delinquent date, the Department of Revenue Agency will grant an extension not to exceed 30 days. If received within an approved extension period, the report shall be considered timely.

Specific Authority 120.53(1)(b), 443.171(2)(a), 695.25 FS. Law Implemented 443.036(17)(k), 443.141(1)(b),(2), 443.171(1),(7) FS. History-New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended

60BB-2.024 Initial Reports and Determinations.

(1) Employer Registration Status Report.

(a) Who Must File. Each employing unit An "Employer's Status Report" shall file an employer registration report on form DR-1 (Rev 08/01), "Application to Collect and/or Report Tax in Florida" or form UCS-1, "Unemployment Tax Employer Registration Report" (Rev. 08/01) be filed with the

~~Department of Revenue, Bureau of Tax, Division of Unemployment Compensation by each employing unit, using LES Form UCS-1, "Employer's Status Report" (Rev 5/89), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Status Section, Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

(b) No change.

(c) Due Date. The employer ~~registration~~ ~~status~~ report shall be filed on or before the last day of the month immediately following the end of the calendar quarter in which the employing unit commenced operations.

(2) No change.

(3) ~~Upon~~ ~~If~~ ~~the~~ ~~Agency~~ ~~determining~~ that more information is necessary as part of its investigation of whether workers are employees or independent contractors, the Agency or the Department of Revenue shall require completion of ~~form~~ LES Form UCS-6061, "Independent Contractor Analysis Questionnaire" (Rev 01/01 11/86) and LES Form UCS-61, "Workers' Independent Contractor Questionnaire" (Rev 7/90), both of which ~~is~~ ~~are~~ incorporated herein by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(17),(18), 443.131, 443.141(2), 443.171(1),(7) FS. History-New 8-25-92, Formerly 38B-2.024. Amended

60BB-2.025 Reports Required of Liable Employers; Filing of Reports by Electronic Data Interchange Methods.

(1) ~~Quarterly Wage and Tax Reports; Reimbursable Employer Quarterly Reports.~~

(a) ~~Contributory and reimbursable~~ employers are required to file ~~a~~ ~~employer~~ quarterly report ~~wage and tax reports~~ using LES Forms UCT-6 and UCT-6W, ~~the~~ ~~Department of Revenue's~~ ~~form~~ UCT-6, "Employer's Quarterly Tax Report" and "Employer's Quarterly Wage Report" (Rev 09/01 1/92), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, Florida 32399.

(b) ~~Reimbursable employers are required to file reimbursable employer quarterly reports using LES Form UCT-6R, "Employer's Quarterly Report" (Rev 7/86), herein incorporated by reference. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

(b)(e) The reports shall:

1. Be filed with the ~~Department of Revenue Agency~~ no later than the last day of the month following the calendar quarter to which they apply (Employers, however, who are reporting for the first time are authorized 15 consecutive calendar days from the notification date of liability to submit initial reports without penalty charges.); and

2. through 3. No change.

(2) Wages Paid. For the purpose of this section wages have been paid when the wages are:

- (a) Actually received by the worker; or
- (b) Made available so they may be drawn upon by the worker; or
- (c) Brought within the control and disposition of the worker, even if not possessed by the worker.

(3) Change in Status.

(a) Sale, conveyance or other disposition of a business or any part thereof, or any cessation of business for any reason. Every liable employer shall notify the ~~Department of Revenue Agency~~ in writing of such changes in status. This change shall:

1. Be reported ~~on or before the due date of the next Employer's Quarterly Report no later than on the next quarterly wage and tax report due;~~ and
2. State the name and address of the person, firm or corporation to whom the business was sold, conveyed or otherwise transferred; and
3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situations; and
4. Be made by the employer's court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed, the report shall be made by the heirs succeeding in to the interest of the employer; and
5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers shall report other changes in status on ~~form~~ LES Form UCS-3, "Florida Department of Revenue Employer Employers Report on Change in Status of Business Account Change Form" (Rev 08/01 4/94), ~~herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies can be obtained from the Status Section, Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

(4) No change.

(5) Special Reports.

(a) The employer shall, upon request of the Agency or the Department of Revenue, promptly furnish a written statement of the wages of any worker, whenever such statement is necessary in order to determine such worker's eligibility for and rate of benefits. If such statement includes wages which have been earned in a pay period extending over more than one calendar quarter, such wages shall be prorated as stated in subsection 60BB-3.016(1), F.A.C.

(b) ~~Notification of Mass Separation. The employer shall notify the Unemployment Compensation Claims Office nearest the job site as soon as the date of a mass separation and the number of workers involved are determined, but not later than the date of separation.~~

(b)(e) No change.

(c)(4) Magnetic Media Reporting. Employers who report by magnetic media shall submit form LES Form UCT-50T 65A-DP, "Florida Department of Revenue Magnetic Media Reporting Transmittal State Authorization Request for Magnetic Media Reporting" (Rev 01/01 2/90), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(6) Filing Reports by Electronic Data Interchange Methods. Employers who file reports by electronic data interchange (edi) methods shall comply with Department of Revenue's rule provisions contained in Rule Chapter 12-24, Florida Administrative Code, which rule provisions are incorporated by reference.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(16),(33)(a), 443.101(4), 443.111(4)(b), 443.131(3)(g4), 443.141(5), 443.151(3)(b), 443.163, 443.171(1),(7) FS. History-New 8-25-92, Formerly 38B-2.025, Amended.

60BB-2.026 Determination to Liable Employers.

(1) Notification of Benefits Paid and Charged.

(a) through (b) No change.

(c) Application for Redetermination. Such notification shall be conclusive and binding, unless the employer files an application for redetermination with the Agency based on claimant or employer identity within (20)(15) days of the mailing date of such notification. Such application shall not serve to contest employer liability or chargeability for benefits paid in accordance with a determination, redetermination, or a decision pursuant to Section 443.151, Florida Statutes, with respect to which notice has been given as provided in subsection Rule Seetion 60BB-3.016(2) 3.013(2).

(d) through (2)(b) No change.

(3) Notice of Tax Rate.

(a) Notice of Tax Rate Pursuant to Computation of a Benefit Ratio. When the employer first becomes eligible for computation of a benefit ratio as provided in Section 443.131(3)(b), Florida Statutes, the Department of Revenue Agency shall:

(a) Assign a contribution rate according to the benefit ratio and adjustment factors. This rate will be effective for the calendar quarter in which eligibility is established and for the remainder of that calendar year.

(b) Notify the employer of the contribution rate not less than fifteen days prior to the end of the calendar quarter for which the rate is to be effective.

(b) Notice of Tax Rate Variation. The Agency shall notify in writing each employer eligible for rate variation, on or before March 15 of each year, of the contribution rate determined for that year, pursuant to Section 443.131, Florida Statutes.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(3)(b3),(3)(i)1..3., 443.141(2)(b), 443.151(3)(c),(4)(b)1., 443.171(1) FS. History-New 8-25-92, Formerly 38B-2.026, Amended.

60BB-2.027 Payment of Contributions.

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

2. Elected, with written approval by the Department of Revenue Agency, to become an employer.

(3) No change.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(1),(3)(f), 443.171(1), 443.191 FS. History-New 8-25-92, Formerly 38B-2.027, Amended.

60BB-2.028 Delinquent Accounts.

(1) Application of Partial Payments. When a delinquency exists in the account of an employer, not in bankruptcy, and payment in an amount less than the total delinquency is submitted, the Department of Revenue Agency shall apply the payment to the delinquency in such manner as the payer directs. In the absence of specific directions, the Department of Revenue Agency shall apply a partial payment to billed quarters of delinquency in a manner most beneficial to the employer, satisfying first contributions, next interest, next penalty, next service fee, and then filing fee, in each quarter in full before application of the remainder of such payment to the next earlier quarter of delinquency. Once payment is applied pursuant to these rules, the application of payment shall not be changed.

(2) through (3) No change.

(4) Waiver of Penalty and Interest for Delinquent Reports. Pursuant to Section 443.141(1), Florida Statutes, and Chapter 2000-165, Laws of Florida, the Department of Revenue is Director of the Division of Unemployment Compensation and the Chief of the Bureau of Tax are authorized to waive imposition of interest or penalty when the employer files a written request for waiver establishing that the imposition of interest or penalty would be inequitable. Examples of such inequity include situations where the delinquency was caused by one of the following factors:

(a) through (d) No change.

(e) Erroneous information provided to the employer by the Department of Revenue Agency; failure of the Department of Revenue Agency to furnish proper forms upon timely application by the employer; inability of the employer to obtain an interview with a representative of the Department of Revenue Agency. In each of these cases, a diligent attempt to obtain the necessary information or forms must have been made by the employer in sufficient time that prompt action by the Department of Revenue Agency would have allowed the reports to be filed timely.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(3)(f),(h), 443.141, 443.171(1) FS. History-New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended.

60BB-2.031 Succession.

Pursuant to Section 443.131(3), Florida Statutes, Chapter 2000-165, Laws of Florida, and this rule, the Department of Revenue Agency, upon determining that a succession has

occurred, shall notify each affected employer of any tax rate change that would result from a transfer of employment records. Upon notification, the successor may, at its discretion, apply for transfer of employment records of the predecessor.

(1) Transfer of Employment Records.

(a) Form to be Used for Application.

1. Total and Partial Succession. Application for transfer of the employment records of a predecessor employer is to be made on form LES Form UCS-1Ss, "Report to Determine Succession and Application for Transfer of Experience Rating Records," (Rev 12/01) herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, Florida 32399.

2. Partial Succession. Successor employers when applying for a transfer of employment records due to a partial succession must obtain the consent of the predecessor and, as outlined below, timely report all transfers of identifiable and segregable units. The Department of Revenue Agency will then determine the percentage of employment history to be transferred. A portion of the business shall not be considered to be segregable unless that portion is a distinct entity that could operate independently of the remainder of the business. Successor employers when applying for a transfer of employment records due to a partial succession, must additionally;

a. Establish that the records to be transferred are an identifiable and segregable unit and provide the date the unit being transferred first employed workers.

b. Ensure that complete and accurate information is filed with the Department of Revenue Agency within ninety (90) days of the date the partial succession has commenced or the Department of Revenue Agency shall deny the transfer. Upon timely receipt of the information the Department of Revenue Agency will then determine the percentage of employment history to be transferred from the predecessor's records to the successor's record and so notify the employers in accordance with the provisions of this rule. The percentage will be calculated by taking the number of employees transferred to the successor, divided by the total number of employees of the predecessor prior to the transfer. This percentage will then be applied to the benefit charges and taxable payroll of the predecessor and the resulting amount will create the employment history to be transferred to the successor's account. The employment history that is transferred will be applied to the successor's records in the same quarter as the employment history is removed from the predecessor's records. The predecessor shall remain liable for benefit charges paid to transferred employees for any claim based on wages paid by the predecessor up to the date of succession. Upon being timely notified by the parties of the partial succession, the Department of Revenue Agency shall notify the parties of their proposed tax rates. The Department of Revenue Agency shall revoke, within three (3) years of the date of the partial

succession, a previously approved transfer if the Department of Revenue Agency finds that the parties submitted materially inaccurate or incomplete information.

(b) Time Limit for Application. Pursuant to Section 443.131(3)(g)1., Florida Statutes, the Department of Revenue Agency shall notify each successor who was not an employer prior to the succession of liability as a successor and the right to apply for transfer of the predecessor's employment records. The Department of Revenue Agency shall notify each successor who was already an employer of the right to apply for transfer of the predecessor's employment records. The successor will have 30 days from the mailing date of the notification to apply for transfer of the records of the predecessor. If this time limit is not met, the Department of Revenue Agency shall not grant the application.

(c) through (3)(a)1. No change.

2. The tax rate of the predecessor shall remain unchanged until the predecessor next qualifies for computation of a benefit ratio. Should this date be prior to the Department of Revenue's Agency's approval of the transfer, the rate computation for the immediately following rate year shall be based on the employment inclusive of the portion sought to be transferred. After approval, the Department of Revenue Agency shall recompute the rate of the predecessor for the entire rate year using only that portion of the employment experience remaining after the transfer has been completed.

(b) Tax Rate of the Successor.

1. No change.

2. A partial successor who was not already an employer shall become an employer as of the effective date of the succession. The tax rate between the date of succession and until the partial successor becomes eligible for an earned rate shall be the initial rate. For each calendar year following, the Department of Revenue Agency shall compute the tax rate pursuant to Section 443.131(3)(b), Florida Statutes, on the basis of the successor's own experience, if any, combined with the experience of the transferred records.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(3)(b),(e),(g), 443.171(1) FS. History-New 8-25-92, Amended 12-7-97, Formerly 38B-2.031, Amended _____.

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit shall maintain all records pertaining to remuneration for services performed. Such records shall be maintained for a period of five years following the calendar year in which the services were rendered and must be made available to the Department of Revenue Agency upon request.

(2) No change.

(3) Failure to Keep Records. Any employing unit which fails to maintain and provide the records of employment required by the Agency or the Department of Revenue shall be determined liable effective on the date the Department of Revenue Agency determines from the information available

that employment first occurred. Upon a determination of liability, the Department of Revenue Agency shall advise each employer in writing to keep and maintain the payroll records required by this rule. Such notice shall be personally served upon the employer or sent by registered or certified mail to the employer's address of record.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.071(2),(3), 443.171(1),(7) FS. History-New 8-25-92, Formerly 38B-2.032, Amended.

60BB-2.035 Protests of Liability, Assessment, Reimbursement and Tax Rate – Special Deputy Hearings.

(1) No change.

(2) Parties. The Department of Revenue Agency shall be a party respondent in all of the above protests. Where a protest arises from a claim or claims for benefits, those claimants shall be joined as parties.

(3) through (4) No change.

(5) Burden of Proof. The burden of proof shall be on the protesting party to establish by a preponderance of the evidence that the determination of the Department of Revenue Agency was in error.

(6) through (7) No change.

(8) Subpoenas.

(a) through (b) No change.

(c) Any person subject to a subpoena may, for any of the grounds set forth in Section 120.569(2)(k)1, 120.58(2), Florida Statutes, file with the special deputy a motion to quash or limit the scope of the subpoena. The motion must be made sufficiently in advance of the date set for compliance with the subpoena to allow the special deputy to rule on the motion and provide notice to the parties of the ruling. If the special deputy's written ruling is not received prior to the date set for compliance, the moving party shall appear at the designated time and place prepared to comply with the subpoena, provided that the moving party shall be entitled to an oral ruling on the motion entered into the record at the inception of the hearing.

(d) If a person fails to comply with a subpoena, the party requesting the subpoena may seek enforcement by filing a petition for enforcement pursuant to Section 120.569(2)(k)2, 120.58(3), Florida Statutes, in the circuit court of the judicial circuit wherein the person in noncompliance resides.

(9) through (11) No change.

(12) Hearings by the Deputy Director for Workforce Services. The same procedures shall govern hearings conducted by the Deputy Director except that there shall be no recommended order and no opportunity to file exceptions.

(13) through (14) No change.

(15) Deputy Director for Workforce Services' Service's Order. The Deputy Director or authorized designee shall make a decision and issue a written order in the matter and serve a copy of the order to the parties by certified mail.

(16) No change.

Specific Authority 120.53(1)(b),(c), 443.171(2)(a) FS. Law Implemented 120.57, 120.58(1),(2),(3), 443.036(17),(19), 443.131(3),(4),(5), 443.141(2),(3), 443.151(3)(c), 443.171(1),(7),(8),(9) FS. History-New 8-25-92, Formerly 38B-2.035, Amended.

60BB-2.037 Public Use Forms.

The following public-use forms and instructions are used by the Department of Revenue in its dealings with the public. These forms are hereby incorporated and made a part of this rule by reference. Copies of these forms are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(1) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 08/01).

(2) LES Form UCS-2A, Voluntary Election Questionnaire (Rev. 09/01).

(3) Form UCS-1, Unemployment Tax Employer Registration Report (Rev. 08/01).

(4) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 12/01).

(5) Form UCS-2, Voluntary Election Application (Rev. 08/01).

(6) Form UCS-3, Florida Department of Revenue Employer Account Change Form (Rev. 08/01).

(7) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

(8) Form UCS-6061, Independent Contractor Analysis (Rev. 01/01).

(9) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

(10) Form UCT-1, Notice of Benefits Paid (Rev. 12/00).

(11) Form UCT-6, Employer's Quarterly Report (Rev. 09/01).

(12) Form UCT-8A, Correction to Employer's Quarterly Report (UCT-6) (Rev. 04/01).

(13) Form UCT-18, Notice of Tax Lien (Rev. 12/00).

(14) Form UCT-29, Reimbursement Invoice (Rev. 03/01).

(15) Form UCT-50T, Florida Department of Revenue Magnetic Media Reporting Transmittal (Rev. 01/01).

(16) Form UCT-FL06A, Incomplete Report Notice (Rev. 05/01).

(17) Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

(18) Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/01).

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(19)(d)6.,(g),(n)4..(34), 443.131, 443.171(1) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric R. Hurst, Senior Attorney, 1320 Executive Center Drive, Suite 300, The Atkins Building, Tallahassee, Florida 32399-2250, (850)488-7228

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Clendenning, Process Manager, Workforce Program Support, 1320 Executive Center Drive, The Atkins Building, Tallahassee, Florida 32399-2250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: RULE NO.:
Probable Cause 61G2-7.010

PURPOSE AND EFFECT: To delegate its probable cause function to the Department.

SUMMARY: Delegates responsibility for determining probable cause to the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.225(4), 468.384(2) FS.

LAW IMPLEMENTED: 455.225(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G2-7.010 follows. See Florida Administrative Code for present text.)

61G2-7.010 Probable Cause.

Pursuant to Section 455.225(4), Florida Statutes, the Board delegates to the Department the authority to determine whether probable cause exists in any particular case.

Specific Authority 455.225(4), 468.384(2) FS. Law Implemented 455.225(4) FS. History-New 5-4-87, Formerly 21BB-1.008, 21BB-7.010, Amended 4-17-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:
Endorsement of Cosmetologists 61G5-18.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the requirements for issuance of a license by endorsement. This amendment clearly lays out when the Board shall issue a license to an applicant without an examination.

SUMMARY: This rule sets forth requirements for licensure without examination when certain criteria are met.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.019(5), 477.016 FS.

LAW IMPLEMENTED: 477.019(5) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.007 Endorsement of Cosmetologists.

The Department of Business and Professional Regulation shall issue a license to an applicant ~~a person~~ without examination who:

(1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002;

(2) Demonstrates that the applicant is ~~is~~ currently licensed to practice cosmetology under the law of another state;

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours; the out of state license was issued based upon personal qualifications substantially similar to, equivalent to, or greater than the qualifications required of Florida applicants.

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license;

(5) Demonstrates that the applicant has completed a board approved HIV/AIDS course.

Specific Authority 477.019(5), 477.016 FS. Law Implemented 477.019(5) FS. History-New 11-3-80, Formerly 21F-18.07, Amended 6-22-87, 10-18-87, 12-17-90, Formerly 21F-18.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:

Initial Fee for Licensure and Wall Certificate 64B19-12.0041

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the provision for issuance of duplicate licenses. This subject is already treated in Rule 64B19-12.010, F.A.C.

SUMMARY: The proposed rule amendment deletes the provision for issuance of duplicate licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0041 Initial Fee for Licensure and Wall Certificate.

(1) through (3) No change.

(4) ~~Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.~~

Specific Authority 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History-New 7-7-86, Amended 6-1-89, 1-16-92, Formerly 21U-12.0041, 61F13-12.0041, Amended 1-7-96, Formerly 59AA-12.0041, Amended 1-25-00, 8-8-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:

Standards for Records 64B19-19.0025

Releasing Psychological Records 64B19-19.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to address informed consent forms with regard to provisional licensees and to address the release of psychological records.

SUMMARY: The proposed amendment to Rule 64B19-19.0025, F.A.C., requires provisionally licensed psychologists to include on the form for informed consent that the licensee is working under the supervision of a licensed psychologist and to identify said supervisor. The proposed amendment to Rule 64B19-19.005, F.A.C., specifies criteria with regard to release of patient records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.057, 490.004(4), 490.0148 FS.
LAW IMPLEMENTED: 456.057, 490.002, 490.009(2)(n), (s),(u), 490.0148, 490.0051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-19.0025 Standards for Records.

To serve and protect users of psychological services, psychologists' records must meet minimum requirements for chronicling and documenting the services performed by the psychologist, documenting informed consent and recording financial transactions.

(1) through (2) No change.

(3) A provisionally licensed psychologist must include on the informed consent form the fact that the provisional licensee is working under the supervision of a licensed psychologist as required by Section 490.0051, F.S. The informed consent form must identify the supervising psychologist.

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 490.004(4), 490.0148 FS. Law Implemented 490.002, 490.009(2)(s),(u), 490.0148, 490.0051 FS. History-New 11-23-97, Amended 10-22-98.

64B19-19.005 Releasing Psychological Records.

(1) through (2) No change.

(3) The psychologist's notes pertaining to psychological services rendered may be considered raw data as provided by subsection 64B19-18.004(3), F.A.C., at the discretion of the psychologist and therefore can be released only (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490 or Florida certified, or (2) after complying with the procedures set forth in subsection 64B19-19.005(6), F.A.C., and obtaining an order from a court or other tribunal of competent jurisdiction, or (3) when the release of the material is otherwise required by law.

Specific Authority 456.057, 490.004(4) FS. Law Implemented 490.0147, 490.009(2)(n), 456.057 FS. History-New 8-12-90, Amended 7-14-93, Formerly 21U-22.005, Amended 6-14-94, Formerly 61F13-22.005, Amended 11-19-96, Formerly 59AA-19.005, Amended 9-18-97.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF HEALTH

Board of Speech Language Pathology and Audiology

RULE TITLE: **Licensure by Certification of Credentials** RULE NO.: 64B20-2.001

PURPOSE AND EFFECT: The Board proposes to update the rule text by requiring licensees and initial applicants to attend a two (2) hour continuing education course for the prevention of medical errors.

SUMMARY: The Board has determined the rule text should be amended to reflect the required two (2) hour prevention of medical errors continuing education course counting towards the total number of education hours required for the profession.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.1135(4), 456.013(7) FS.

LAW IMPLEMENTED: 468.1135(4), 468.1145(2), 456.013(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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 Board at least 5 calendar days before the workshop/meeting by contacting the Board, (850)245-4460. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.001 Licensure by Certification of Credentials.

(1) Any person desiring to be licensed as a speech-language pathologist or audiologist shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-1, Application for Licensure, which is incorporated by reference herein, will be effective March 25, 1991, and can be obtained from the Board of Speech-Language Pathology & Audiology, Department of Health, 4052 Bald Cypress Way ~~2020 Capital Circle, S.E.~~, Bin #C068, Tallahassee, Florida 32399-3256. The Department shall notify the applicant by

letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(2) No change.

(3) Effective January 1, 2002, all applicants for initial or renewal of initial license or licensure by endorsement shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for the profession. The course shall be provided by a Department-approved continuing education provider and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Speech Language Pathology & Audiology is 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Specific Authority 468.1135(4), 456.013(7) FS. Law Implemented 468.1185, 468.1145(2), 456.013(7) FS. History-New 3-14-91, Amended 5-25-92, Formerly 21LL-2.001, Amended 11-30-93, Formerly 61F14-2.001, 59BB-2.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.: RULE TITLES:

4-144.002 Approval Procedures

4-144.005 Credit for Reinsurance

4-144.010 Accounting Requirements; Life and Health Reinsurance Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 35, on August 31, 2001, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing and the rule challenge.

4-144.002 Approval Procedures.

(1) A retaliatory application fee shall be submitted pursuant to Section 624.5091, Florida Statutes. The retaliatory fee is the greater of:

(a) the amount that the applicant's domiciliary state or country would charge a Florida domestic insurer making application in the applicant's state or country of domicile, or

(b) the Florida application fee pursuant to Section 624.501(20)(e), Florida Statutes.

(1)(2) An insurer seeking the status of an accredited ~~approved~~ reinsurer pursuant to Section 624.610(3)(b)1. ~~624.610(2)(a)2.~~, Florida Statutes, shall comply with the instructions contained in Form DI4-923, "Application For Accredited ~~Approved~~ Reinsurer Or ~~Satisfactory~~ Non-Approved Reinsurer Status," rev. 11/01 3/93 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) Form DI4-927, "Application For License To Conduct Business In The State of Florida Accredited Reinsurer Status," rev 11/01 8-91;

(b) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8-91;

(b)(e) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges, rev. 4/97 4/94;

(c)(d) Form DI4-1524 ~~444~~, "Uniform Consent to Service of Process" rev. 9/21/01 "Consent and Agreement in Re Service of Process," rev. 11-90;

(e) Form DI4-514, "Resolution Form," rev. 11-90;

(f) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;

(d)(g) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 4/90;

(e)(h) Form DI4-1298 ~~DI4-844~~, "Management Information Form," rev. 4/97 10-91;

(f)(i) Form DI4-1423 ~~DI4-422~~, "Biographical Statement and Affidavit," rev. 9/21/01 4/90;

(g)(j) Form DI4-450, "Authority For Release of Information," rev. 8-91;

(h)(k) Fingerprint cards furnished by the Department of Insurance, according to instructions in Form DI4-938, "Fingerprint Card Instructions," rev. 7/99 4/91;

(i)(l) The material required by Form DI4-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01 8/93;

(m) DI4-904, "Proformas, Life Companies, pages 1-4 (Exhibits 1A, 1B, 2A, and 2B)," rev. 5-91;

(n) DI4-896, "Proformas, Property and Casualty Companies, pages 1-18," rev. 5-91; and

(o) DI4-901, "Life, Accident and Health Insurer Lines of Business by Company Code," rev. 5/91.