

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Fire Safety Standards for Residential Child Care Facilities 4A-41

RULE TITLES: RULE NOS.:

PART II: RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN

Scope 4A-41.101

Definitions 4A-41.102

Standards of the National Fire Protection Association Adopted 4A-41.103

Occupancy Capacity of Each Facility 4A-41.104

Fire Exit Drills 4A-41.105

Inspections 4A-41.106

Cooking Equipment; Exception 4A-41.107

PURPOSE AND EFFECT: Provide firesafety standards for residential child care homes for facilities with five or fewer children, based upon changes to Chapter 409, Florida Statutes, and Rule Chapter 65C-14, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Firesafety standards for residential child care homes with five or fewer children.

SPECIFIC AUTHORITY: 409.175(6)(f), 633.01(1) FS.

LAWS IMPLEMENTED: 409.175(6)(f), 633.022(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., February 5, 2003

PLACE: Plantation Fire Department, 550 N. W. 65th Avenue, Plantation, Florida

TIME AND DATE: 9:00 a.m., February 7, 2003

PLACE: Room 116, Larson Building, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART II: RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN

4A-41.101 Scope.

(1) These rules apply to any residential child care facility required to be licensed by the Florida Department of Children and Family Services, pursuant to Section 409.175, Florida Statutes, in which full-time residence is provided to five or fewer children who are unrelated to the proprietor and who are under age 18. Programs which use such a facility include, but are not limited to, group homes which are administered by an agency, wilderness camps, maternity homes, (emergency shelters), and runaway shelters.

(2) These rules are concerned with life safety during fires and similar emergencies. They address particular matters of construction, protection, and occupancy of buildings to try and minimize danger to life from fire, smoke, fumes or panic before buildings are vacated.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History-New

4A-41.102 Definitions.

As used in this part of these rules:

(1) "Community Residential Group Home", or "facility" means a "Family Foster Home" as defined in Section 409.175(2)(e), Florida Statutes.

(2) "Agency" means a residential child caring agency or a child-placing agency.

(3) "AHJ" means the local authority having firesafety and fire prevention jurisdiction which employs or contracts with at least one firesafety inspector certified under Chapter 633, Florida Statutes.

(4) "Division" means the Division of State Fire Marshal of the Department of Insurance.

(5) "NFPA" means the National Fire Protection Association.

(6) "Child" means any unmarried person under the age of 18 years.

(7) "Owner" means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022 FS. History-New

4A-41.103 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, the Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, 2000 edition, are hereby adopted and incorporated herein by reference:

(a) Sections 32-3.3.4.7, 32-3.3.4.8, and 32-3.3.5.5 only, of Chapter 32.

(b) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(10)(b) FS. History—New _____.

4A-41.104 Occupancy Capacity of Each Facility.

The total number of children shall be as determined in accordance with Section 409.175(3)(a), Florida Statutes.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(10)(b) FS. History—New _____.

4A-41.105 Fire Exit Drills.

(1) A fire exit drill shall be conducted by each provider at each facility at least three (3) times per year. Each fire exit drill shall be conducted at least 30 days after the previous fire exit drill. The AHJ is permitted to require an additional fire exit drill in conjunction with an annual firesafety inspection.

(2) The purpose of each fire exit drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any fire exit drill.

(3) Each fire exit drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) Each fire exit drill shall be applicable to all occupants of the facility with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(5) Any occupant subject to a fire exit drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants shall be allowed to return to the building only when permitted by the person conducting the fire exit drill.

(6) The provider shall keep a record of each fire exit drill on Form DI4-xxxx, (rev. 10/2002), Fire Exit Drill Records, which is hereby adopted and incorporated into these rules by reference, and shall take effect on the effective date of these rules. Copies of the form may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

(a) The date the drill was conducted.

(b) The time of day the drill was conducted.

(c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.

(d) Any unusual circumstance affecting the safe, orderly and expeditious exit from the building, which shall be in narrative or outline form.

(7) If the provider does not keep the record required by subsection (6), or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, another fire exit drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the Department of Children and Families that the facility is not maintaining compliance with the firesafety requirements.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.106 Inspections.

(1) The firesafety inspector shall conduct a firesafety inspection for each facility prior to occupancy as Community Residential Group Home.

(2) The provider shall request from the AHJ a firesafety inspection within 30 days following receipt of notification of license renewal.

(3) The AHJ or the Division is permitted to require additional firesafety inspections.

(4) The provider shall be responsible for requesting all required firesafety inspections, except for any additional firesafety inspections which may be required as provided in subsection (3).

(5) Each required firesafety inspection shall be completed by the AHJ, where available.

(6) Any time there is no AHJ to perform a firesafety inspection, the provider shall notify the Division in writing. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) A firesafety inspector, or special state firesafety inspector, certified in accordance with Chapter 633, Florida Statutes, shall complete each required firesafety inspection.

(8) The inspecting authority shall provide a copy of each inspection report to the Department of Children and Families within thirty days after completing the inspection.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.107 Cooking Equipment; Exception.

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to

comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Transfer of Supervision Interstate and Intrastate	33-301.103
Interstate Compact for Adult Offender Supervision	33-301.104
Other State Offenders Community Supervision	33-301.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete an unnecessary rule, set forth guidelines for offender travel to other states and to provide for equal standards of supervision for other state offenders supervised in Florida.

SUBJECT AREA TO BE ADDRESSED: Interstate Compact – Community Supervision of Offenders.

SPECIFIC AUTHORITY: 949.08 FS.

LAW IMPLEMENTED: 949.07, 949.08 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-301.103 Transfer of Supervision Interstate and Intrastate.

Specific Authority 944.08, 944.09 FS. Law Implemented 948.03 FS. History—New 5-28-86, Formerly 33-24.009, Repealed

33-301.104 Interstate Compact for Adult Offender Supervision.

(1) An offender who has made a satisfactory adjustment while on supervision shall be allowed to visit other states, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands for business, visitation or vacation purposes as long as travel requirements in subsection (2) are met, public safety will not be compromised by such a visit, and the offender meets the travel requirements of the state of destination. If the offender is a high risk, high profile, or sex offender case, once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of Form DC3-220, Travel Permit, providing the

offender’s itinerary, must be transmitted to the Bureau of Interstate Compact. Form DC3-220 is incorporated by reference in Rule 33-302.106, F.A.C. The Travel Permit includes a waiver of extradition section which, when signed by the offender, waives extradition rights of the offender traveling outside the state or country.

(2) In order for an offender to obtain permission to travel, the following conditions must exist:

(a) The offender is not prohibited by the order of supervision from traveling to the desired location.

(b) The offender is not wanted or facing prosecution for criminal charges or violation of the order of supervision.

(c) The offender presents a plan of travel that is verifiable by providing a specific location name, telephone number, and contact person by which the information is to be verified, in advance, by the officer.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel and has provided the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) The travel does not interfere with condition compliance or treatment programming.

(f) Travel shall be denied for purely recreational purposes if the offender is not current with the court ordered or releasing authority imposed payment schedule or offender financial obligation agreement and the offender shall expend monies in the course of travel.

(g) No extenuating circumstances exist which indicate that authorizing the offender to travel would constitute a lack of prudence. Such extenuating circumstances include those that would cause a reasonable person to believe that the offender may be likely to violate a condition of supervision if travel were authorized.

(3) Travel shall not exceed thirty consecutive days in length. Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:

(a) Immediately notifying the officer if a change of plan occurs;

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode;

(c) Immediately calling or reporting upon return to the county of residence;

(d) That any deviations to the approved travel shall not be authorized;

(e) That travel shall be authorized only as indicated on the travel permit; and

(f) That failure to comply with instructions shall be a violation of supervision.

(4) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, the offender must meet the other state’s transfer requirements and receive consent to travel from the Bureau of Interstate Compact before proceeding to that state.

(5) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

- (a) Out of State Investigation Request, Form DC3-110;
- (b) Application for Compact Services and Agreement to Return, Form DC3-122;
- (c) Supervision orders;
- (d) Supervision history; and
- (e) Pre-sentence or Post-sentence investigation, or offense report and arrest history.
- (f) Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

(6) The officer shall obtain permission and written approval from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. Form DC3-220 shall be approved with a copy forwarded to the Bureau of Interstate Compact.

(7) In compact cases that meet emergency transfer criteria, the officer must submit a Request for Emergency Reporting Instructions, Form DC3-126, to the Bureau of Interstate Compact two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form DC3-126 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(8) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor without the written approval of the sentencing or releasing authority.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History—
New _____.

33-302.105 Other State Offenders Community Supervision.

Other state offenders accepted for supervision in the State of Florida shall be afforded equal standards of supervision and services as provided for Florida offenders.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History—
New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Intrastate Travel and Transfer

RULE NO.:

of Supervision 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to non-emergency travel, out-of-county travel, and provision of travel instructions to offenders. Provisions addressing out-of-state travel are being deleted and relocated to other rules related to interstate travel.

SUBJECT AREA TO BE ADDRESSED: Intrastate travel.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.106 ~~Intrastate Offender~~ Travel and Transfer of Supervision.

(1) through (2) No change.

(3) Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct the offender to go to the other county’s local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in Section 775.13, F.S. This instruction shall be documented on Form DC3-220 and in the electronic case notes, Travel Permit. Form DC3-220 is incorporated by reference in subsection (4) of this rule.

(4)(3) Inter-county travel in Florida approved for a visit of thirty days or less does not require a “Travel Permit,” DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an

extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3-237, Transfer Request, for this purpose. Form DC3-220, Travel Permit, and Form DC3-237 are hereby incorporated by reference. Copies of these forms this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC3-220 this form is October 2, 2001. The effective date of Form DC3-237 is

(4) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days.

(5) Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following: An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Immediately notifying the officer if a change of plan occurs; Out of State Investigation Request, Form DC3-110,

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode; Application for Compact Services and Agreement to Return, Form DC3-122,

(c) Immediately calling or reporting upon return to the county of residence; Supervision orders; and,

(d) That any deviations to the approved travel shall not be authorized; Pre-sentence or Post-sentence investigation, or offense report and arrest history,

(e) That travel shall be authorized only as indicated on the travel permit; and; Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001.

(f) That failure to comply with instructions shall be a violation of supervision.

(6) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender. When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

(7) In compact cases that meet emergency criteria, the officer must submit an Electronic Request for Emergency Reporting Instructions and Travel Permit, Form EF3-005, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF3-005 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed envelope. The effective date of this form is October 2, 2001.

(8) In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.

(9) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3-220 will be approved with a copy forwarded to the Bureau of Interstate Compact.

(10) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor, without the written approval of the sentencing or releasing authority.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01 _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Individual Environmental

Resource Permits

40D-4

RULE TITLE: Permits Required
RULE NO.: 40D-4.041

PURPOSE AND EFFECT: The proposed amendments provide a time frame within which entities conducting mining or mining related activities that were previously exempt from permitting under Part IV of Chapter 373, F.S. pursuant to Rule 40D-45.051, F.A.C., must apply for and receive an Environmental Resource Permit. The amendments also provide the conditions under which an entity may continue to conduct the activities that were previously exempt during the permitting process.

SUBJECT AREA TO BE ADDRESSED: The requirement for environmental resource permitting of previously exempt activities under Chapter 40D-45, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.413, 373.416, 373.426, 373.427 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426, 373.427 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.041 Permits Required.
(1) through (5) No change.

(6)(a) The owner/operator of any system for a mining or mining related activity that has an exemption confirmation letter issued by the District or the Department pursuant to Rule 40D-45.051, F.A.C., as that Rule existed prior to October 9, 2001, must apply for an Environmental Resource Permit from the District or the Department in accordance with the division of responsibilities outlined in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998. The application shall be provided no later than May 1, 2004, and be completed no later than May 1, 2005, and shall include the system for mining, mining related activities, and reclamation activities.

(b) During the application period the system for a mining or mining related activity previously exempt under Rule 40D-45.051, F.A.C., shall be operated in accordance with any plans, terms and conditions approved in the exemption

confirmation letter and shall not affect the quality of receiving waters such that the applicable water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C., including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated, and shall not otherwise harm the water resources. If an owner/operator proposes modifications to a system at any time, such modification shall be immediately subject to permitting under Chapter 40D-4, F.A.C., as provided in Rule 40D-4.054, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History--Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural
RULE CHAPTER NO.: 40E-1

RULE TITLE: Forms and Instructions
RULE NO.: 40E-1.659

PURPOSE AND EFFECT: The forms which the South Florida Water Management District (SFWMD) uses in dealing with the public concerning environmental resource, water use, and well construction permitting are incorporated by reference in subsection 40E-1.659(1), F.A.C., as required by Section 120.55(1)(a)4., F.S. The South Florida Water Management District proposes to amend Form Numbers: 0123 (Well Construction Permit Application); 0483 (Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer); 0881 (Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification); 0889 (Certification of Waiver of Permit Application Processing Fee); 0920 (Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity); 0960 (Environmental Resource/Surface Water Management Permit Construction Commencement Notice); and 0961 (Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction.)

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to the forms provide necessary updates, revisions and corrections, including deleting unnecessary information, and modifies the signature and seal block to conform with Rule 61G15-23.002, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.113 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE AMENDMENTS MUST BE RECEIVED BY THE SFWMD NO LATER THAN 21 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 0500, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	12-01	Well Construction Permit Application

0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188	12-01	Pumpage Report
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	12-01	Application for a Short-term Dewatering General Water Use Permit
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	12-01	Water Use Permit Application
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/ Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/ Construction Certification
0889	8-95	Certification of Waiver of Permit Application Processing Fee
0920	8-95	Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standard/ Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction

0970	8-95	Applicant Transmittal Form for Requested Additional Information
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/ Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance

(2)(a) through (g) No change.

Specific Authority ~~420.53~~, 373.044 FS. Law Implemented ~~420.53~~, 373.113 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community Based Services Waiver
 RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate the Developmental Services Waiver Provider Rate Structure and Fees information, to revise Appendix A, to update Appendices D and E, to modify existing text relating to updated information including direct billing, to incorporate the federal Health Insurance Portability and Accountability Act (HIPAA) information and to provide additional definitions for clarification purposes, resulting from the Developmental Services Waiver Services redesign project, into the Developmental Services Waiver Services Coverage and Limitations handbook. The effect will be to incorporate by reference in the rule the current Florida Medicaid Developmental Services Waiver Services Coverage and Limitations handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community Based Services Waiver.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, February 4, 2003

PLACE: AHCA Headquarters, 2727 Mahan Drive, Building #3, Conference Rm. A, Tallahassee, FL 32317-2600

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Henderson, Medicaid Services, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)414-9756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON-LINE AT floridamedicaid.acs-inc.com AND AT THE ABOVE SCHEDULED WORKSHOP.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
 RULE NO.: 61G15-22.0003

PURPOSE AND EFFECT: The Board proposes to add this rule to set forth the conditions of exemption from renewal requirements for spouses of members of the Armed Forces of the United States.

SUBJECT AREA TO BE ADDRESSED: Exemption from renewal requirements.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.0003 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(m), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the

licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting setting conditions for reactivation of licensure, including continuing education requirements imposed by s. 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 61J1-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to clarify or modify the disciplinary guideline recommendations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.624, 475.626 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, February 4, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Determination of Continued Eligibility
 RULE NO.: 65A-4.219

PURPOSE AND EFFECT: This rule amendment will revise redetermination requirements.

SUBJECT AREA TO BE ADDRESSED: The department is adopting revised procedures for redetermination of eligibility requirements for temporary cash assistance.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095 FS.

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

TIME AND DATE: 11:00 a.m., February 3, 2003

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS AVAILABLE, IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms	5E-14.105
Use of Pesticides – Labels, Limitations, Precautions	5E-14.106
Fumigation Requirements – General Fumigation	5E-14.108
Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities	5E-14.112
Fumigation Requirements – Final Post-Fumigation Clearance Inspection	5E-14.113
Examinations	5E-14.123
Responsibilities and Duties – Records, Reports, Advertising, Applications	5E-14.142

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to amend Rule 5E-14, F.A.C., to address changes to the Statute and fumigation product label directions, to improve consumer protection provisions by increasing fumigation safety procedures, expanding the provisions of the Wood Destroying Organism contract to include all preventative