

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Membership in Exceptional Student Programs
RULE NO.: 6A-1.04512

PURPOSE AND EFFECT: Sections 232.01 and 236.013, Florida Statutes, effectively address FTE computation and the legal definition of prekindergarten exceptional students and does not need to be reiterated in rule. Subsection (2) is obsolete as current law does not provide for part-time exceptional education programs. The purpose of this amendment is to remove this rule from the Florida Administrative Code to eliminate duplication and obsolete provisions. The effect is to reduce duplication of statute and rule and to eliminate provisions for which there is no longer statutory authority.

SUMMARY: This rule is to be repealed.
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 the notice.

SPECIFIC AUTHORITY: 229.053(1) FS.
LAW IMPLEMENTED: 232.01(1)(f), 236.013(2)(a)1., 236.081(1)(c) FS.

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

TIME AND DATE: 9:00 a.m., March 23, 1999
PLACE: Room LL03, The Capitol, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Division Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:
6A-1.04512 Membership in Exceptional Student Programs.

Specific Authority 229.053(1) FS. Law Implemented 232.01(1)(f), 236.013(2)(a)1., 236.081(1)(c) FS. History--New 7-1-78, Formerly 6A-1.4512, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 1999

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs
RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this amendment is present to the State Board of Education for approval the course requirements to be used in grades 6-12. The course requirements are presented in the publication “Florida Course Descriptions for Grades 6-12 Basic Programs, 1999-2000” and are adopted by reference in the rule. The effect of this amendment is instructional consistency in courses taught in grades 6-12.

SUMMARY: This amendment incorporates the publication “Florida Course Descriptions for Grades 6-12 Basic Programs, 1999-2000” by reference.

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 the notice.

SPECIFIC AUTHORITY: 229.565 FS.
LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

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

TIME AND DATE: 9:00 a.m., March 23, 1999
PLACE: Room LL03, The Capitol, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, FAC. Course requirements approved by the State Board of Education are contained in the publication “Course Descriptions for Grades 6-12 Basic and Adult Secondary Programs 1999-2000 ~~1998~~” which is hereby incorporated by reference and made a part of this rule to become effective with the 1999-2000 school year. “Course Descriptions for Grades 6-12 Basic and Adult Secondary Programs 1998” shall remain in effect until that time. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399.

Specific Authority 229.565 FS. Law Implemented 229.565, 229.592, 230.23(7), 233.165 FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to update the “Course Code Directory and Instructional Personnel Assignments” as incorporated by reference. The effect is to provide public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adult schools of Florida including related teacher certification coverages.

SUMMARY: This amendment incorporates and updates the “Course Code Directory and Instructional Personnel Assignments” which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 229.565, 229.592 FS.

LAW IMPLEMENTED: 229.592, 230.2316, 232.246, 236.081, 240.40202 FS.

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

TIME AND DATE: 9:00 a.m., March 23, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the “~~1998-99~~ Course Code Directory and Instructional Personnel Assignments 1999-2000” for the year in which the student is in membership, except as provided in subsection (5) of this rule.

(5) Each district school board may approve special topics courses using course numbers provided in the Course Code Directory. Each special topic course must include as part of its requirements the appropriate Sunshine State Standards.

(6) The "Course Code Directory and Instructional Personnel Assignments 1999-2000" is hereby incorporated by reference and made a part of this rule to become effective with the 1999-2000 school year. The "1998-1999 Course Code Directory and Instructional Personnel Assignments" shall remain in effect until that time. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1) FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, Amended 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 1998

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Building Moving Permit Regulations

RULE CHAPTER NO.: 14-63

RULE TITLE: Non-Compliance

RULE NO.: 14-63.011

PURPOSE AND EFFECT: The rule chapter is being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures. This is a revised notice of remaking. The previous notice, which was published in Vol. 24, No. 41, Florida Administrative Weekly, October 9, 1998, was withdrawn.

SUMMARY: Rule 14-63.011 is being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures.

SPECIFIC AUTHORITY: 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.60, 316.550 FS.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND HELD:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

14-63.011 Non-Compliance.

(1) Suspension, revocation, or denial of permit. ~~(a)~~ The District Secretary, or designee, for good cause, will ~~may~~ deny, revoke, or suspend any permit for a specified period of time up to 12 months. Good cause includes, but is not limited to:

~~(a)1-~~ Failure by the permittee or his agents to comply with the regulations of this rule chapter or the requirements of Florida Statutes.

~~(b)2-~~ A determination by the Department that the permittee has submitted a misleading permit application or information.

~~(c)3-~~ Failure by the permittee or his agents to comply with the terms of the permit.

~~(d)4-~~ Travel by the permittee on other than approved routes.

~~(e)5-~~ Instances in which the permittee or its agent has previously undertaken a move without obtaining the necessary permit.

~~(b) The District Secretary, or designee, shall inform the permittee by personal service or certified mail of the Department's intent to suspend, revoke, or deny the permit. The written notice issued by the Department shall contain:~~

~~1. The specified facts which underlie the proposed denial, suspension or revocation of the permit.~~

~~2. A statement that within 10 days of receipt of the notice to suspend, or revoke, the permittee has the right to request an administrative hearing pursuant to Section 120.57, Florida Statutes, by filing a written request with the clerk of agency proceedings.~~

~~3. A statement that the denial, suspension, or revocation shall be conclusive and final agency action if no request for a hearing is filed with the Clerk of Agency Proceedings within 10 days of receipt of the notice of intent.~~

~~4. If the permittee fails to file a request for hearing within 10 days of receipt of the notice of intent to suspend, deny or revoke, the suspension, revocation, or denial shall become conclusive and final agency action.~~

(2) Penalties.

(a) In addition to a suspension, revocation, or denial of a current permit for cause as set forth in Subsection Rule Section 14-63.011 (1), in any 12 month period, the Department, for good cause, as defined in Subsection (1), will may deny issuance of future permits as follows:

VIOLATION OF PRIOR PERMIT	PERMIT DENIAL PERIOD
First	30 Days
Second	180 Days
Third	12 Months

However, the Department may not refuse to issue a permit because of alleged violation(s) until the Department's action has become final pursuant to subsection (3) a final order is entered regarding such violation(s), in accordance with Chapter 120, Florida Statutes.

(b) Any person who fails to obtain a permit or violates the provisions of a permit issued under this rule chapter shall pay a penalty. All penalties collected under this rule chapter shall be credited to the State Transportation Fund. Under the provisions of Rule Chapter 14A-1, F.A.C., any person aggrieved by the imposition of a civil penalty pursuant to this rule chapter may appeal to the Commercial Motor Vehicle Review Board. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.

(c) Penalties shall be imposed on overdimensional loads or vehicles as follows:

TYPE OF VIOLATION	PENALTY
1. Operating without a permit.	Ten times the cost of the permit not to exceed \$500.00.
2. Violating the terms or conditions of a current permit.	\$250.00.
3. Modifying the terms or conditions of a current permit.	Ten times the cost of the permit not to exceed \$500.00.

(3) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The applicant's or permittee's request for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. The request for hearing petition shall meet the requirements of Rule 22F-6.004, F.A.C., and shall also include:

- (a) The name and address of the party making the request;
- (b) A statement that the party is requesting a formal or informal proceeding; and

~~(c) Specific facts and circumstances which relate to the denial, suspension or revocation of the permit(s).~~

Specific Authority 316.550, 334.044(2) FS. Law Implemented 120.569, 120.57, 120.60, 316.550 FS. History—New 9-1-71, Formerly 14-63.11, Amended 1-3-90, 7-1-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela S. Leslie, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED: Thomas F. Barry, Jr., P. E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 1998

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Highway System Connection	
Permits, Administrative Process	14-96
RULE TITLES:	RULE NOS.:
Forms	14-96.0011
Application Submittal, Review, Approval, and Conditions	14-96.007
Permit Modification or Revocation; Alteration or Closure of Permitted Connections	14-96.011
Closure and Modification of Unpermitted Connections (Including Those to be Considered "Grandfathered")	14-96.012

PURPOSE AND EFFECT: The rule chapter is being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures. This is a revised notice of rulemaking. The previous notice, which was published in Vol. 24, No. 41, Florida Administrative Weekly, October 9, 1998, was withdrawn to facilitate further amendments to the appropriate forms.

SUMMARY: Rules 14-96.0011, 14-96.007, 14-96.011, and 14-96.012 are being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335.183 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 FS.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND HELD:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Driveway/Connection Application for All Categories	850-040-15	11/94
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	11/93
Record of Waived Requirements for All Categories	850-040-17	03/94
Driveway Connection Permit for All Categories	850-040-18	11/93
Record Drawings Report by Permittee's Professional Engineer	850-040-19	11/94
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	1/99 04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	1/99 03/94
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	1/99 11/93
Violation and Notice to Show Cause	850-040-26	1/99 03/94

These forms are available from the Department of Transportation's local area Maintenance Office, District Office, Urban Area Office or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) through (3) No change.

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the important details regarding the analysis and decision on access approval or denial.

(a) through (d) No change.

~~(e) Each notice shall include a statement of the applicant's right to an administrative proceeding.~~

~~(e)(f)~~ Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, 1/99 03/94, is issued. If an agreement is made between an applicant and the Department which will

allow the Department to approve a connection, this agreement will not be effective, nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, 1/99 03/94, unless it is written, executed by the applicant and the Department and appropriate revisions are reflected on signed and sealed construction plans before the 30-day time period allowed for an appeal has expired. The agreement will completely describe the mutually agreed access plan.

(5) No change.

~~(6) Request for Administrative Proceeding. An applicant may file a request for an administrative proceeding within 30 days of receipt of a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, 11/93, or Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, 03/94. Such request shall conform to the requirements of Rule 28-5.201, F.A.C., and, unless otherwise provided, will stay agency action to grant or deny the application pending issuance of a final order.~~

~~(6)(7)~~ Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, 11/93, will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. Unless modified pursuant to an administrative proceeding, or negotiation with the applicant, a permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, 1/99 11/93. A permit is valid for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The applicant will be notified of any administrative procedure rights.

(b) Permit Time Extension. The permit may be extended past the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, local government coordination delays, or other technical problems not within the control of the applicant.

~~(7)~~⁽⁸⁾ Concurrent Local Government Review. Nothing contained herein shall preclude concurrent review of the permit application by the Department and local government(s).

~~(8)~~⁽⁹⁾ Permit Conditions. Failure by the applicant or permittee to abide by the permit provisions that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or revoke the permit and close the connection at the expense of the permittee, subject to the provisions in this rule chapter, or for the Department to exercise the Performance Bond to have the necessary modifications made. The permit requirements shall be binding on the permittee, the permittee's successors, heirs and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require these conditions to be recorded with the legal description of the property where cross access agreements or other applicable conditions apply.

~~(9)~~⁽¹⁰⁾ Rail or Abandoned Non-Highway Vehicular Use Corridors. These corridors are not part of the state highway system and are not subject to the provisions of the Access Management Act. These corridors that abut a state highway are considered ~~an~~ intervening property and property on the other side of a corridor from a state highway will not be considered to be abutting the state highway. Existing access across a corridor may be revoked by the Department if it interferes with the safe or efficient operation of the corridor or the state highway. In such event, revocation will be in accordance with Rules 14-96.011 or 14-96.012, F.A.C.

Specific Authority 334.044(2), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-1825, 335.184, 335.185 FS. History—New 4-18-90, Amended 7-16-95,_____.

14-96.011 Permit Modification or Revocation; Alteration or Closure of Permitted Connections.

Closing a connection, (unless it has an adverse effect on traffic safety or operations) resurfacing, or bringing a connection to current Department design standards, at the existing location may be considered a safety upgrade as in this rule chapter and will not require a permit.

(1) No change.

~~(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The process to be followed by the Department in the revocation or modification of permits shall be consistent with the requirements of this rule chapter and Chapter 120, Florida Statutes. The Department shall give written notice, by certified mail with return receipt, to the permittee, permittee's successors or assigns, the~~

~~permittee's agent, or the property owner, with a copy to the occupant. The notice will identify the deficiencies in any connection found to be in noncompliance with the conditions of the permit or this rule chapter or a safety or operational problem, as specified in this rule chapter, and request that the deficiencies be corrected, or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.~~

(a) If the reason for the revocation or modification is due to permittee noncompliance, this notice will include the – Violation and Notice to Show Cause, Form 850-040-26, 1/99 03/94. The notification shall state that, unless the deficiencies are corrected, the permit shall be revoked or modified and the connection to the State Highway shall be closed or modified by the Department. ~~The notice shall further advise that the Department's determination shall become final and conclusive after 30 calendar days of receipt of the notice unless the violations are corrected or an administrative proceeding, pursuant to Section 120.57, Florida Statutes, is requested by the permittee, permittee's successor or assigns, or the property owner.~~

(b) If the reason for revocation or modification is due to Significant Change, as defined in Section 335.18, Florida Statutes, the notice will state the basis of the Department's determination and the Department's intent to modify or revoke the permit by requiring the relocation, alteration, or closure of an existing connection. ~~The notice will state that the Department's action will become final and conclusive 30 calendar days after receipt of notice, unless an administrative proceeding pursuant to Section 120.57, Florida Statutes, is requested by the permittee, permittee's successor or assigns, or the property owner.~~ Where the Department's requirement to file an application has become final and no timely application has been filed, the Department may take immediate action to close or modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation. ~~The notice will state that the Department's determination will become final and conclusive after 30 calendar days of the receipt of notice, unless an administrative proceeding pursuant to Section 120.57, Florida Statutes, is requested by the permittee, permittee's successor or assigns, or the property owner.~~

(3) No change.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History—New 4-18-90, Amended 7-16-95,_____.

14-96.012 Closure and Modification of Unpermitted Connections (Including Those to be Considered "Grandfathered").

(1) Unpermitted Connections.

(a) Grandfathered Connections. Any unpermitted connections to the State Highway System which were in existence prior to July 1, 1988, and in continuous use for a period of one year or more, are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection Section 14-96.012(2).

(b) Unpermitted/Non-Grandfathered Connections. All other unpermitted connections are subject to closure in accordance with paragraph 14-96.012(3)(b).

(2) Closure or Modification of Grandfathered Connections. With regard to grandfathered connections, the Department ~~will~~ may initiate action to require that a permit be obtained or may modify or close such connections under the provisions of paragraph 14-96.012(3)(a).

(a) The Department ~~will~~ may require that a permit be obtained in accordance with Rule ~~Section 14-96.005(3), F.A.C.~~, pursuant to the provisions of Section 335.187(1), Florida Statutes, if significant changes have occurred, as defined in Section 335.182(3)(b), Florida Statutes.

(b) The Department ~~will~~ may modify or close a connection if such modification or closure is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway. The problem may be substantiated by an engineering study signed and sealed by a professional engineer registered in the State of Florida qualified in transportation engineering. Such engineering study shall consider, but not be limited to the following:

1. Accident or operational analysis directly involving the access points or similar access points, or a traffic conflicts analysis of the site.

2. Analysis of the impact, the closure, modification, or relocation, ~~has~~ have on maintenance, or safety on the Public Road System.

3. Analysis of the impact, closure, modification, or relocation will have on traffic patterns and circulation on the Public Road System.

4. The principles of transportation engineering as determined by generally accepted Professional Practice.

(c) If the Department acts to close or modify a connection, the Department shall offer an opportunity to meet on-site with the property owner, lessee or its representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

2. Consideration and development of alternative solutions proposed by the property owner or lessee.

(3) Notification Process for Closure or Modification of Unpermitted Connections. Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with

Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The process to be followed by the Department in the closure or modification of unpermitted connections shall be consistent with the requirements of this rule chapter and Chapter 120, Florida Statutes.

(a) With regard to grandfathered connections, the Department shall give written notice, ~~by certified mail with return receipt,~~ to the property owner or lessee, with a copy to the occupant, for a connection if Significant Changes, as defined in Section 335.182(3)(b), Florida Statutes, have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information on the hazard and request that the deficiencies be corrected, the connection be closed, or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the closure or modification is due to Significant Change as defined in Section 335.182(3)(b), Florida Statutes, the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. ~~The notice will state that the Department's determination and the requirement to file an application will become final and conclusive after 30 calendar days of the receipt of notice, unless an administrative hearing pursuant to Section 120.57, Florida Statutes, is requested by the property owner or lessee.~~ Where the Department's requirement to file an application has become final and no timely application has been filed, the Department ~~will~~ may take immediate action to close or modify the connection in accordance with the notice.

2. If the reason for the closure or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce hazard or correct the situation. ~~The notice will state that the Department's determination will become final and conclusive after 30 calendar days of the receipt of notice, unless an administrative hearing pursuant to Section 120.57, Florida Statutes, is requested by the property owner or lessee.~~

(b) With regard to unpermitted/non-grandfathered connections, the Department shall give written notice, ~~by certified mail with return receipt,~~ to the property owner or lessee, with a copy to the occupant, directing that the connection be closed or that a permit application be filed within 21 ~~the 30~~ days of receipt of the written notice. If a timely request for administrative proceeding is filed, or a permit application or a request for an administrative proceeding is filed within the 21 30 days, no further action on the closure of the unpermitted connection shall occur until

review of the application or the administrative proceeding is complete. If the connection is not closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across, close, or modify the connection.

1. If a timely application has been filed, at the time at which the location and design of the connection are agreed to by the Department, the Department shall allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection removed. Modifications, relocation, or closure of unpermitted connections may be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes. If the application is approved, the existing connection will be allowed to remain in place and continue to be used until the replacement connection is constructed or modifications to the existing connections are made. If the application is denied, the Department shall notify the property owner or lessee, with a copy to the occupant, of the denial and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, Florida Statutes.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing a timely written request (within ~~21~~ 30 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case, final action to close or modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

3. Notwithstanding any other provisions of paragraph 14-96.012(3)(b), the Department reserves the right to install barriers across, modify, or close a connection at such time as it appears that the continued operation of the connection constitutes a safety or operational problem to the State Highway System. The Department shall provide reasonable or written notice of its impending action prior to taking action to install barriers across or close the connection.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History--New 4-18-90, Amended 7-16-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela S. Leslie, General Counsel

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 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 1998

PUBLIC SERVICE COMMISSION

DOCKET NO. 981104-EU

RULE TITLE: Measuring Customer Service

RULE NO.: 25-6.049

PURPOSE AND EFFECT: Clarifies that Rule 25-6.049(5)(a) only allows pre-1981 buildings to be master-metered that are not currently individually metered.

SUMMARY: Individual electric meters are not required for each separate occupancy unit of listed entities for which construction commenced before January 1, 1981 and which are not now individually metered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Preparation of a SERC was found to be unnecessary.

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 366.05(1) FS.

LAW IMPLEMENTED 366.05(3) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: 9:30 a.m., March 15, 1999

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1) through (4) No change.

(5)(a) Individual electric metering by the utility shall be required for each separate occupancy unit of ~~new~~ commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks ~~for which construction is commenced after January 1, 1981~~. Individual electric meters shall not, however, be required:

1. For each separate occupancy unit of commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and

recreational vehicle parks for which construction commenced prior to January 1, 1981 and which are not currently individually metered.

~~2.4.~~ In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;

~~3.2.~~ For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;

~~4.3.~~ For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;

~~5.4.~~ For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.

~~6.5.~~ For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) No change.

1. through (7) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Reese Goad

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

PUBLIC SERVICE COMMISSION

DOCKET NO. 981097-GU

RULE TITLE: Codes and Standards Adopted

RULE NO.: 25-12.005

PURPOSE AND EFFECT: Updates reference to existing federal gas safety regulations adopted previously.

SUMMARY: Adopts federal standards as amended through October 20, 1998.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC was found to be necessary.

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 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED 368.03 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: 9:30 a.m., March 25, 1999

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

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: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through October 20, 1998 ~~January 31, 1991~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through October 20, 1998 ~~December 27, 1989~~ is adopted to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, 8-8-89, Formerly 25-12.05, Amended 1-7-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Mills

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

PUBLIC SERVICE COMMISSION

DOCKET NO. 981103-EG

RULE TITLE: Energy Conservation Cost Recovery
RULE NO.: 25-17.015

PURPOSE AND EFFECT: To allow Energy Conservation Cost Recovery factors to be determined on an annual, calendar year basis at one hearing.

SUMMARY: The time for annual proceedings are moved to November of each calendar year. The 12-month historical period for the true-up filing is changed from April 1 through March 31 to January 1 through December 31 each year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Preparation of a SERC was found to be unnecessary.

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 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED 366.04(2)(f), 366.06(1), 366.82(3),(5) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: 9:30 a.m., March 19, 1999

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.015 Energy Conservation Cost Recovery.

(1) The Commission shall conduct annual energy conservation cost recovery (ECCR) proceedings during ~~November the first quarter~~ of each calendar year. Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs. Each utility seeking cost recovery shall file the following at the times directed by the Commission:

(a) An annual final true-up filing showing the actual common costs, individual program costs and revenues, and actual total ECCR revenues for the most recent 12-month historical period from January 1 ~~April 1~~ through December 31 ~~March 31~~ that ends prior to the annual ECCR proceedings. As part of this filing, the utility shall include a summary comparison of the actual total costs and revenues reported to the estimated total costs and revenues previously reported for the same period covered by the filing in paragraph (1)(b). The filing shall also include the final over- or under-recovery of total conservation costs for the final true-up period.

(b) An annual estimated/actual true-up filing showing eight months actual and four months projected common costs, individual program costs, and any revenues collected. Actual costs and revenues should begin January 1 ~~April 1~~ immediately following the period described in paragraph (1)(a). The filing shall also include the estimated/actual over- or under-recovery of total conservation costs for the estimated/actual true-up period.

(c) An annual projection filing showing 12 months projected common costs and program costs for the period beginning January 1 ~~April 1~~ following the annual hearing.

(d) An annual petition setting forth proposed energy conservation cost recovery factors to be effective for the 12-month period beginning January 1 ~~April 1~~ following the hearing. Such proposed cost recovery factors shall take into account the data filed pursuant to paragraphs (1)(a), (1)(b), and (1)(c).

(e) through (5)(c) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), 366.06(1), 366.82(3),(5) FS. History—New 1-27-81, Amended 12-30-82, 3-27-86, Formerly 25-17.15, Amended 8-21-90, 11-17-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee Colson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF CORRECTIONS

RULE TITLE: Care of Inmates
RULE NO.: 33-3.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the restrictions governing possession and use of tape players and recorders by inmates who are unable to read written material.

SUMMARY: The proposed rule provides for use of tape players and recorders by inmates who are unable to read written materials due to impairment and sets forth procedures for such use.

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 HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., March 16, 1999

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

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:

33-3.002 Care of Inmates.

(1) through (16) No change.

(17) Inmates who are unable to read written material (this includes those who are visually impaired, paraplegic or quadriplegic, or severely affected with arthritis) ~~visually handicapped~~ and who receive assistance from the Bureau of Braille and Talking Book Library Services Florida Division of Blind Services shall be allowed to possess a tape player or record player from the Bureau Division ~~unless it is determined that such possession would be detrimental to the security and order of the institution.~~ Any alteration of equipment provided by the Bureau Division shall result in confiscation of the equipment and suspension of those privileges. A tape recorder shall be available for inmate use at a location determined by the superintendent which allows for supervision of use and which does not unduly restrict access. Inmates shall obtain approval from the chief health officer to utilize the tape

recorder in lieu of pen and paper for correspondence purposes. Any material or equipment that an inmate receives from the Bureau of Braille and Talking Book Library Services remains the Bureau's property and must be returned to the Bureau if an inmate loses the use of this material or equipment for disciplinary reasons.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Advanced Registered Nurse Practitioner Services
RULE NO.: 59G-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated 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: 409.919 FS.
LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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: 9:00 a.m. – 12:00 p.m., March 18, 1999
PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room G, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Belinda McClellan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Birth Center Services
RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 1999.

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

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.908, 409.9081 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: 1:00 p.m. – 4:00 p.m., March 15, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room H, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinda McClellan, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7324

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center Services.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.0532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Belinda McClellan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services

RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 1999.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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: 9:00 a.m. – 12:00 p.m., March 17, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room G, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra H. Marshall, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(2) All optometry practitioners enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra H. Marshall

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services
 RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 1999.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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: 9:00 a.m. – 12:00 p.m., March 16, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room G, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Rutledge, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7327

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.270 Registered Nurse First Assistant Services.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History–New 3-11-98, Amended 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Rutledge

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rueben King-Shaw

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Visual Services Coverage and Limitations Handbook, January 1999.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 1999.

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

Any person who wishes to 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: 9:00 a.m. – 12:00 p.m., March 15, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room H, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra Marshall, Agency for Health Care Administration, Medicaid Program Development, 2728 Mahan Drive, Building 3, Room 2215, Tallahassee, Florida 32317-2600, (850)922-7354

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 1999 ~~January 1998~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History–New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debra H. Marshall
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rueben King-Shaw
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 31, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 4, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Claims Payment
RULE NO.: 59G-5.110

PURPOSE AND EFFECT: The purpose of this rule is to incorporate Medicaid’s policy on direct reimbursement to recipients. Medicaid normally makes payments only to providers. However, Medicaid can directly reimburse a recipient who has been denied or terminated from eligibility, has had the denial or termination reversed either by agency action or on appeal, and has paid for covered services during the term of ineligibility. To receive payment, the recipient must submit valid receipts to the Agency for Health Care Administration. All payments shall be made at the Medicaid established payment rate in effect at the time the service was given. The effect will be that the direct reimbursement policy will be incorporated in rule.

SUMMARY: This rule amendment will incorporate in rule Medicaid’s policy on making direct payment to Medicaid recipients.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.908 FS., 42 C.F.R. s. 447.25

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, NO HEARING WILL BE HELD)”

TIME AND DATE: 10:00 a.m., Monday, March 15, 1999

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conference Room I, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sally Morton, Medicaid Contract Management, 2525 South Monroe Street, Tallahassee, Florida 32301, (850)922-2627

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.110 Claims Payment.

(1)(a) The agency provides eligible individuals with access to Medicaid services and goods by direct payment to the Medicaid provider upon submission of a payable claim to the fiscal agent contractor. Except as provided for by law or federal regulation rule, policy, or directive, payments for services rendered or goods supplied shall be made by direct payment to the provider except that payments may be made in the name of the provider to the provider’s billing agent if designated in writing by the provider. Direct payment may be made to a recipient who paid for medically necessary, Medicaid-covered services received from the beginning date of eligibility (including the three-month retroactive period) and paid for during the period of time between an erroneous denial or termination of Medicaid eligibility and a successful appeal or an agency determination in the recipient’s favor. The services must have been covered by Medicaid at the time they were provided. Medicaid will send payment directly to the recipient upon submission of valid receipts to the Agency for Health Care Administration. All payments shall be made at the Medicaid established payment rate in effect at the time the services were rendered. Any services or goods the recipient paid before receiving an erroneous determination or services for which reimbursement from a third party is available are not eligible for reimbursement to the recipient, upon submission of a payable claim to the fiscal agent contractor. Except as provided by law, rule, policy, or directive, payments for services rendered or goods supplied shall be made by direct payment to the provider except that payment may be made in the name of the provider to the provider’s billing agent if designated in writing by the provider.

(b) Recipients will be notified in writing of their right to reimbursement. This information shall be given when they are notified that their appeal has been upheld or the agency determines before the hearing that an erroneous decision was made. This notice shall be provided on a Medicaid Direct Payment Notice to Applicant/Recipient, AHCA 5240-0001 (November 1998), incorporated by reference.

(c) If Medicaid needs additional information from a recipient to determine eligibility for direct reimbursement, Medicaid will notify the recipient in writing on a Medicaid Direct Payment Notice, AHCA 5240-0002 (November 1998), incorporated by reference.

(d) If Medicaid needs additional information from a provider, and the recipient is not able to obtain the information, Medicaid will request the information from the provider in writing on a Medicaid Direct Payment Notice to Provider, AHCA 5240-0003 (November 1998), incorporated by reference.

(e) Medicaid will notify recipients in writing whether they are eligible for direct reimbursement on a Medicaid Direct Payment Notice of Disposition, AHCA 5240-0004 (November 1998), incorporated by reference.

(2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented ~~409.902~~, 409.907(5)(a), 409.908 FS., 42 C.F.R. s. 447.25. History—New 9-22-93, Formerly 10P-5.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Douglas M. Cook, AHCA Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Salon Requirements
RULE NO.: 61G5-20.002

PURPOSE AND EFFECT: The proposed rule amendment will delete those provisions of the current rule which specify the requirement for a hair braiding salon.

SUMMARY: The rule amendment will delete language that specifies the requirements for hair braiding salons.

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: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.002 Salon Requirements.

(1) through (6) No change.

(7) Notwithstanding the above, a salon whose practice is limited to only hair braiding shall comply with the following:

(a) Submit an application on form BPR/CL/001 prescribed by the Department of Business and Professional Regulation as set out in Rule 61G5-17.006;

~~(b) Pay the required registration fee as outlined in the fee schedule in Rule 61G5-24.005;~~

~~(c) Meet the safety and sanitary requirements as listed below and these requirements shall continue in full force and effect for the life of the salon:~~

~~1. Ventilation and Cleanliness: Each hair braiding salon shall be kept well ventilated. Each salon shall be kept clean and free of dust.~~

~~2. Toilet and Lavatory Facilities: Each hair braiding salon shall provide on the same premises, in the same building, or within 300 feet of the hair braiding salon, adequate toilet and lavatory facilities. To be adequate, such facilities shall have at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, sanitary towels or other hand drying device such as a wall-mounted electric blow dryer, and waste receptacle. Such facilities and all of the foregoing fixtures and components shall be clean, in good repair, well lighted, and adequately ventilated to remove objectionable odors. In addition, the facilities must be made available to remove objectionable odors. In addition, the facilities must be made available to the patrons of a hair braiding salon.~~

~~3. A hair braiding salon may be located at a place of residence. Such hair braiding salons must be separated from the living quarters by a permanent wall construction as defined in 61G5-20.002(6) above. A separate entrance to the hair braiding salon shall be provided other than from or through the living quarters. Toilet and lavatory facilities shall comply with 61G5-20.002(c)2. above and shall have an entrance from the salon other than through the living quarters.~~

~~4. Animals: No animals or pets shall be allowed in a hair braiding salon except for trained animals to assist the hearing impaired, visually impaired, or the physically disabled.~~

~~(d) Each hair braiding salon shall comply with the following requirements:~~

~~1. Tools/equipment used: A hair braiding salon is not permitted to use or allow a hair braider to use brushes, combs, or other cosmetology tools, equipment, or instruments on a client except for one-time use disposable clips or bobby pins to separate portions of a client's hair unless such brushes, combs, or other cosmetology tools, equipment, or instruments are maintained and kept sanitary as provided in 61G5-20.002(2) above.~~

~~2. Each hair braiding salon is required to have a sufficient number of one-time use disposable clips and bobby pins to service each salon client with new and unused clips and pins if such one-time use disposable clips and bobby pins are used.~~

3. Such one-time use disposable clips and bobby pins shall be kept in safe and sanitary conditions and shall not be carried in a pocket. Such clips and pins shall be disposed of immediately after use.

4. Sanitizers: Hair braiding salons shall be equipped with and utilize a wet sanitizer when the salon or any hair braiders working in the salon makes use of brushes, combs, or other cosmetology tools, equipment, or instruments in accordance with the requirements of 61G5-20.002(2).

5. Every hair braider shall clean or disinfect his or her hands after braiding a client's hair by washing the hands thoroughly with an anti-bacterial soap and water, or by means of any equally effective disinfectant such as a disposable anti-bacterial hand wipe.

(e) Evidence that the hair braiding salon contains a minimum of 100 square feet of floor space. No more than one (1) hair braider or cosmetologist may practice hair braiding at one time in a hair braiding salon which has only the minimum floor space. An additional 50 square feet of floor space shall be required for each additional cosmetologist or hair braider who practices hair braiding at the same time in such a salon. A hair braiding salon, unless in a residence, shall not be required to have permanent walls, but shall be required to be at a fixed location.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, _____.

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: February 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Original Cosmetologist Licensure Fee,	
Cosmetologist Examination and	
Endorsement Fees, Initial Specialist	
Registration; Application and	
Endorsement Fees	61G5-24.002
Cosmetologist Reexamination Fee	61G5-24.006

PURPOSE AND EFFECT: The proposed amendments to Rules 61G5-24.002 and 61G5-24.006 will set forth certain fees to be paid by applicants for licensure as a cosmetologist and registration as a specialist.

SUMMARY: The proposed amendment to Rule 61G5-24.002 will specify the original licensure fee, examination fee, and licensure by endorsement fee to be paid by applicants for licensure as a cosmetologist; and, the initial registration, application fee, and registration by endorsement fee to be paid by applicants for registration as a specialist. The proposed amendment to Rule 61G5-24.006 will specify the reexamination fee to be paid by applicants for licensure as a cosmetologist. In addition, both proposed rule amendments will specify that when a professional testing service conducts the licensure examination, certain portions of the examination and reexamination fees are to be paid to the professional testing service.

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: 455.2171, 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 61G5-24.002 follows. See Florida Administrative Code for present text.)

61G5-24.002 Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees, Cosmetologist Examination, Specialist Registration; Endorsement Fee; Original Licensure Fee and Registration Fee.

(1) The following fees are adopted by the Board:

(a) The fee for original licensure as a cosmetologist shall be twenty-five dollars (\$25.00) and shall be paid by all applicants for licensure.

(b) The examination fee for licensure as a cosmetologist by examination shall be fifty dollars (\$50.00). When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, the entire examination fee shall be payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, eleven dollars

(\$11.00) of the examination fee shall be payable to the Department; and, thirty-nine dollars (\$39.00) shall be payable to the professional testing service.

(c) The application fee for licensure as a cosmetologist by endorsement shall be fifty dollars (\$50.00).

(d) The fee for initial registration as a specialist shall be twenty-five dollars (\$25.00), and shall be paid by all applicants for registration.

(e) The application fee for registration as a specialist shall be thirty dollars (\$30.00).

(f) The fee for registration as a specialist by endorsement shall be thirty dollars (\$30.00).

(2) Applicants for licensure as a cosmetologist by examination shall pay both the original licensure fee and that part of the examination fee which is payable to the Department at the time of their application. Any part of the examination fee which is payable to a professional testing service shall be paid to that service upon notification by the Department that the applicant's application for licensure by examination has been approved. Applicants for licensure as a cosmetologist by endorsement shall pay both the original licensure fee and the application fee at the time of their application. Applicants for registration as a specialist shall pay both the initial registration fee and the application fee at the time of their application. Applicants for registration as a specialist by endorsement shall pay both the initial registration fee and the fee for registration as a specialist by endorsement at the time of their application.

Specific Authority 455.2171, 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History--New 11-2-80, Amended 5-18-82, 10-1-85, Formerly 21F-24.02, Amended 9-6-87, Formerly 21F-24.002, Amended _____.

(Substantial rewording of Rule 61G5-24.006 follows. See Florida Administrative Code for present text.)

61G5-24.006 Cosmetologist Reexamination Fee.

When the examination for licensure as a cosmetologist is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, the reexamination fee shall be fifty dollars (\$50.00), and shall be payable to the Department. When the examination for licensure as a cosmetologist is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, the reexamination fee shall be eleven dollars (\$11.00) which shall be payable to the Department; and, nineteen dollars and fifty cents (\$19.50) per part of the licensure examination to be retaken by the applicant, which shall be payable to the professional testing service.

Specific Authority 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History--New 11-2-80, Amended 6-20-83, 10-1-85, Formerly 21F-24.06, Amended 9-6-87, 1-10-90, Formerly 21F-24.006, 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: February 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Application Evaluations
RULE NO.: 61G16-5.004

PURPOSE AND EFFECT: The proposed amendment to Rule 61G16-5.004 clarifies the manner in which the Board will calculate work experience credits for purposes of evaluating an application for licensure.

SUMMARY: The proposed rule amendment specify that an applicant will be granted geological work experience credits on a month-for-month basis if the applicant is in a responsible position and works 40 hours per week.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 492.104, 492.105 FS.

LAW IMPLEMENTED: 492.105 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: Jim Rimes, Executive Director, Board of Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-5.004 Application Evaluations.

(1) through (3) No change.

(4) Because the evaluation of work experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

- 1. No change.

2. Geological work experience credit shall be granted on a month-for-month basis for those periods in which the applicant was engaged in geological work in a responsible position on a 40 hour per week, full-time basis. Periods in which the applicant was engaged in geological work in a responsible position on a part-time, less than 40 hour per week basis shall be credited toward the geological work experience requirements based on the percentage of a full-time, 40 hour work week that the applicant actually performed the geological work. No additional geological work experience credit is allowable for any period of time for which the applicant has received credit toward the geological work experience requirements based upon any undergraduate or graduate study or full-time teaching or research in the geological sciences at the college level.

3. Each year of undergraduate or graduate study in the geological sciences ~~shall~~ shall be credited toward the geological work experience requirements on a month-for-month basis for those periods shall have consisted of a normal, approximate nine month academic period during which the applicant was enrolled as a full-time student in pursuit of a geological or other related science education or degree. No additional geological work experience credit is allowable for any period of time for which the applicant has received credit toward the geological work experience requirements based upon any period of actual geological work experience or full-time teaching or research in the geological sciences at the college level.

4. No change.

Specific Authority 492.104, 492.105 FS. Law Implemented 492.105 FS. History—New 12-8-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLES:	RULE NOS.:
Definition of Terms	65C-24.001
Federal Funding Requirements	65C-24.002
Home Study Requirements	65C-24.003
Relative Caregiver Program Benefit Payments	65C-24.004
Legal Requirements	65C-24.005
Permanency Planning Requirements	65C-24.006
Placement Supervision	65C-24.007
Child Care	65C-24.008
Child Support Collection	65C-24.009
Eligibility Requirements	65C-24.010
Eligibility Process	65C-24.011
Determining the Amount of the Monthly Benefit Payment	65C-24.012

PURPOSE AND EFFECT: Effective October 1, 1998, the Florida Legislature enacted the Relative Caregiver Program. (Chapter 98-403, Section 70, Laws of Florida; section 39.5085, Florida Statutes (F.S.)). In so doing, the Legislature made a commitment to assist grandparents and other relatives who assume court-approved placement and care responsibilities for a child and thereby spare the child from the trauma of placement in shelter or foster care. The Legislature recognized that most children living in grandparent or other relative placements do not need intensive supervision by the court or the department, and that family preservation and stability for the child could be significantly enhanced by a straightforward program consisting of financial support and provision of medical and other relevant services to the child and relative caregiver. The Relative Caregiver Program provides additional placement options and incentives that will achieve permanency and stability for many children who are at risk of foster care placement because of abuse, abandonment, or neglect. This rule chapter establishes the policies and procedures for department and privatized contractor's administration of the Relative Caregiver Program, including initial eligibility determination, maintaining eligibility after initial determination, calculating the amount of the payment, reporting, tracking, judicial review, case plan, and home study requirements.

SUMMARY: This rule chapter establishes the policies and procedures for department and privatized contractor's administration of the Relative Caregiver Program, including initial eligibility determination, maintaining eligibility after initial determination, calculating the amount of the payment, reporting, tracking, judicial review, case plan, and home study requirements.

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: 39.5085(2)(a),(d), 39.012, 39.0121(10) FS.

LAW IMPLEMENTED: 39.5085 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: 9:00 a.m., March 19, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sally Linton, Revenue Maximization Program Office, 1317 Winewood Blvd., Bldg. 8, Tallahassee FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-24.001 Definition of Terms.

(1) “Medicaid” means medical assistance, funded under Title XIX of the Social Security Act, which provides basic health care to various coverage groups. Children who are eligible for Relative Caregiver Program payments are eligible for Medicaid coverage.

(2) “Relative Caregiver Program Payment” means a monthly payment for the relative caregiver who would be unable to serve in that capacity without the relative caregiver payment because of financial burden. The benefit payment is used towards the cost of providing care for the child, including food, clothing, shelter, daily supervision, school supplies, and personal incidentals.

(3) “Specified degree of relationship” refers to the non-parental relative with whom the child resides. A child must be living with a relative within the fifth degree in order to be eligible for the Relative Caregiver Program. Such relatives include siblings (whole- or half blood, adoptive, or step-siblings); aunts, uncles, nieces and nephews; grandparents and great-grandparents; first cousins and first cousins once removed; relatives within the fifth degree of a father who has legally acknowledged paternity; individuals of preceding generations denoted by the prefix grand, great-grand or great-great-grand; legal spouses of any listed persons even though the marriage terminated by death or divorce.

(4) “W.A.G.E.S. (Work and Gain Economic Self-Sufficiency) Temporary Cash Assistance” means Florida’s program for providing cash assistance to needy families with dependent children.

Specific Authority 39.5085(2)(a),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History—New _____.

65C-24.002 Federal Funding Requirements.

Florida receives federal funding for the relative caregiver monthly benefit payment from the Temporary Assistance for Needy Families (T.A.N.F.) block grant. The relative caregiver payment is not related to Title IV-E; however, the child must meet the criteria for Temporary Cash Assistance child-only eligibility pursuant to 65A-1.203-65A-1.205; 65A1.301-65A-1.303; 65A-1.400; 65A-1.503(2); 65A-1.504(1), (3), (5); 65A-1.521; 65A-1.701(4), (5), (14), (26), (32), 65A-1.702; 65A-1.703(2); 65A-1.704-65A-1.708; 65A-1.716(4); 65A-1.900; 65A-4.208(2)(a), (3), (5)(a),(d), (9), 65A-4.209(1), (2), (3), (5), (6), (7), (8); 65A-4.210; 65A-4.213 and 65A-4.216, Florida Administrative Code (F.A.C.). Children who are the beneficiaries of a relative caregiver payment are not eligible to simultaneously receive W.A.G.E.S. temporary cash assistance benefits.

Specific Authority 39.5085(2)(a),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History—New _____.

65C-24.003 Home Study Requirements.

(1) Relative Caregiver who receive assistance under the Relative Caregiver Program must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children’s well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(2) Open cases involving relative placements ordered by the court prior to October 1, 1998, shall be reviewed to determine if a home study was conducted. If the home study, predisposition study (PDS) or other case file documentation supports the criteria required by 39.508(3), F.S., the district administrator or designee shall sign a statement certifying that the case meets the home study requirements. This certification shall serve as an interim approval for up to 90 days until the family services counselor completes a new home study and obtains the court’s approval for the continued placement. If the home study is unfavorable, yet the placement is safe, stable and in the child’s best interest, the district administrator or designee shall sign a statement which documents reasons for recommending approval of the continued placement. The recommendation shall then be presented to the court for a determination as to whether the placement should continue.

(3) For all new cases on and after October 1, 1998, the home study requirements established in 39.508(3), F.S., shall be followed in conducting a Relative Caregiver Program home study. In addition, a determination shall be made and documented of the child’s feelings, if the child is at an age and capable of reliably expressing such feelings, concerning placement with these relatives.

(4) With the exception of paragraph (2), the department shall not place the child or continue the placement of the child in the home of the proposed caregivers if the results of the home study are unfavorable. The written home study must be completed and filed with the court prior to or at the time the department recommends the relative placement or the continued relative placement. A copy of the home study shall be placed in the case file of the department.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.004 Relative Caregiver Program Benefit Payments.

(1) Section 39.5085, F.S., does not provide for financial assistance in cases involving emergency (pre-adjudicatory) relative placements or placements where the department was not previously involved pursuant to 39.5085(2)(a), F.S. However, provided the child meets eligibility requirements pursuant to 65A-4.201-4.216, F.A.C., a T.A.N.F. child-only grant shall be available during the interim period until the child is adjudicated dependent and placed in the legal custody of the relative pursuant to 39.508(9)(a)3. or 4., F.S. At that time, the assistance eligibility shall be transferred to the Relative Caregiver Program. The relative must be informed of this option. A child receiving Supplemental Security Income benefits is not eligible for Relative Caregiver Program payment.

(2) Subject to the availability of funding, Relative Caregiver Program benefit payments shall be provided in accordance with 65C-24.010, toward the child's basic needs including food, clothing, shelter, daily supervision, school supplies, and personal incidentals such as toiletries, other personal items, or a weekly or monthly allowance.

(3) A child for whom relative caregiver payments are made shall be eligible for Medicaid coverage. Within available funding limits, relative caregivers shall be provided with the services listed in subsection 39.5085(2)(f), F.S.

(4) Relative caregiver payments shall be reviewed every six months and adjusted to reflect changed circumstances. If the review demonstrates that the payment should be lowered, the relative caregiver shall be notified of his or her right to a fair hearing. "Changed circumstances" shall be defined to include the following:

(a) The child begins receiving supplemental security income.

(b) The child begins receiving unearned income such as social security benefits or court-ordered child support.

(c) The child is no longer living in the home with the relative caregiver.

(d) The child's age category changes.

(e) Other changed circumstances as approved in writing by the district Family Safety and Preservation Program Administrator.

(5) Contingent upon availability of funding and continuing eligibility, Relative Caregiver Program benefit payments shall continue through the month of the child's 18th birthday, is no longer living in the home of the relative caregiver, or the child is adopted, whichever is sooner. In the case of adoption by the relative, an adoption subsidy equal to but not exceeding the foster care board rate shall be available. A long-term custody order or guardianship appointment subsequent to an adjudication of dependency and placement with the relative shall not affect continuing eligibility for the Relative Caregiver Program benefit.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.005 Legal Requirements.

(1) 39.5085(2)(a), F.S., requires that an eligible Relative Caregiver Program placement must either be a court-ordered placement in the home of a relative under protective supervision of the department pursuant to ss. 39.508(9)(a)3., or court-ordered temporary legal custody to a relative pursuant to ss. 39.508(9)(a)4., F.S. In both types of placements, the relative caregiver shall be invited to contribute to the development and implementation of a case plan, and shall be considered a participant entitled to notice and opportunity to contribute at 6-month judicial reviews unless or until the court excuses participation.

(2) Prior to recommending to the court a non-emergency placement with a relative, the department shall conduct a home study pursuant to the requirements of 39.508(3)(a), F.S. The home study shall provide the basis for the placement recommendation as well as future work with the relative and the removal family, and must be included as part of the predisposition study filed with the court.

(3) The relative shall be informed of the available financial assistance options.

(4) Unless modified by the court, the placement shall continue until the child reaches age 18, leaves the home, or is adopted, whichever occurs sooner.

(5) The relative shall be informed that an unfavorable home study could result in the child being placed in another placement.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.006 Permanency Planning Requirements.

(1) Permanency in a Relative Caregiver Program situation is achieved through reunification with the parents, long term custody or guardianship to the relative, or termination of parental rights and subsequent adoption of the child by the relative.

(2) Subsequent to adjudication and disposition pursuant to subsection 39.508(9)(a)3. or 4., F.S., the department shall consider making a recommendation to the court for guardianship, or for long-term custody to the relative provided

that the conditions under subsection 39.508(9)(a)5.a., F.S. are met. Eligibility for Relative Caregiver Program benefits shall not be affected so long as the child has previously been adjudicated dependent and placed in the custody of the relative pursuant to subsection 39.508(9)(a)3. or 4., F.S.

(3) Alternatively or in addition to the permanency options described in paragraph (2), the department shall recommend termination of supervision of a court ordered relative placement when the relative caregiver, the child, if age appropriate, and the department agree that supervision is no longer necessary. As appropriate, the department shall recommend to the court that the order terminating supervision by the department also include the powers of the custodian of the child, including the powers ordinarily granted to a guardian of the person of the minor, unless otherwise specified.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.007 Placement Supervision.

The court-approved case plan shall govern the type and extent of supervision in a Relative Caregiver Program placement, unless supervision is court-ordered under a separate court order.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.008 Child Care.

Subsidized child care shall be available to Relative Caregiver Program recipients through the T.A.N.F. At-Risk category.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.009 Child Support Collection.

Subsection 414.095(15)(d), F.S., requires that caretaker relatives cooperate with the Child Support Enforcement Program in establishing, modifying, or enforcing support orders with respect to children in their care who are receiving T.A.N.F., Title IV-E, or medical assistance benefits.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.010 Eligibility Requirements.

In order for a child placed with a relative caregiver to receive a monthly Relative Caregiver Program benefit, the child must:

(1) Live in an approved home of a specified relative. The relative caregiver, as determined by a home study, must be capable of providing a physically safe environment and a stable, supportive home for the child under their care, and must assure that the child’s well-being is met.

(2) Meet the requirements of 65A-203-65A-1.205; 65A-1.301-65A-1.303; 65A-1.400; 65A-1.503(2); 65A-105.4(1), (3), (5), 65A-1.521; 65A-1.701(4), (5), (14), (26), (32), 65A-1.702; 65A-1.703(2); 65A-1.704-65A-1.708; 65A-1.716(4); 65A-1.900; 65A-4.208(2)(a), (3), (5)(a), (d), (9); 65A-4.209(1), (2), (3), (5), (6), (7), (8); 65A-4.210; 65A-4.213; 65A-4.216, Florida Administrative Code (F.A.C.), F.A.C.

(3) Be adjudicated dependent pursuant to 39.508(9)(a)3. or 4., F.S., in

(a) court-ordered temporary legal custody of the relative, or

(b) court-ordered placement in the home of a relative under protective supervision of the department.

(4) Not be included in any other temporary cash assistance (W.A.G.E.S.) case.

(5) Reside in the state of Florida. A child placed with a relative in Florida by another state is not eligible for the Relative Caregiver Program payment.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.011 Eligibility Process.

(1) Initial Application.

(a) The child’s relative caregiver shall be referred (or can self-refer) to the Economic Self-Sufficiency Services eligibility office to complete the Request for Assistance (RFA) for temporary cash assistance.

(b) An appointment is scheduled with a Public Assistance Specialist for an interactive interview.

(c) The Public Assistance Specialist must review the family composition and determine- if the family is eligible for temporary cash assistance or if the child is eligible for a “child only” payment pursuant to 65A-4.201-4.216, F.A.C.

(d) If all eligibility factors are met, the case is approved for temporary cash assistance.

(2) Conversion to Relative Caregiver Program Payment.
Upon notification from the family services counselor that the new home study has been completed, the home has been approved, the child has been adjudicated dependent, and that the court has ordered the child’s continued placement with the relative, the Public Assistance Specialist shall convert the temporary cash assistance to the Relative Caregiver payment for each eligible child. Payment cannot be received from W.A.G.E.S. and Relative Caregiver Program in the same month.

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History–New _____.

65C-24.012 Determining the Amount of the Monthly Benefit Payment.

(1) Statutory Requirements. Subsection 39.5085(2)(d), F.S., provides that the amount of the Relative Caregiver Program benefit payment shall be based on the child's age within a payment schedule established by rule of the department, and subject to availability of funding. The subsection further provides that the statewide average monthly rate under the program for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing Relative Caregiver Program assistance to any relative caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care. See Attachment 1 to this chapter: Statewide Average Foster Care Rate; and Attachment 2 to this chapter: Relative Caregiver Payment Standards.

(2) Financial eligibility is determined by a comparison of the income, assets and needs of the child to the Relative Caregiver Program benefit payment standard in 65C-24.012(4), F.A.C., that is applicable to the child's age.

(3) The statewide average monthly foster care rate is as follows:

<u>AGE</u>	<u>RATE</u>
<u>0 through 5</u>	<u>\$345</u>
<u>6 through 12</u>	<u>\$355</u>
<u>13 to 18</u>	<u>\$425</u>

(4) Monthly Relative Caregiver Program Payment Schedule by Age Categories. The basic monthly benefit payment schedule (not including Medicaid, family support and preservation services, flexible funds utilized in accordance with s. 409.165, F.S., subsidized child care, and other services which may be available through the department or other local, state or federal programs), based on the age of the child shall be:

Maximum = 82% of the statewide average foster care (board) rate.

<u>AGE</u>	<u>RATE</u>	<u>AMOUNT</u>
<u>0 through 5 years</u>	<u>70% of maximum</u>	<u>\$242</u>
<u>6 through 12 years</u>	<u>70% of maximum</u>	<u>\$249</u>
<u>3 to 18 years</u>	<u>70% of maximum</u>	<u>\$298</u>

Specific Authority 39.5085(2)(a),(b),(d), 39.012, 39.0121(10) FS. Law Implemented 39.5085 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sally Linton, Revenue Maximization Program Office, 1317
Winewood Blvd., Bldg. 8, Tallahassee FL 32399-0700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Margaret Taylor, Chief, Revenue Maximization Program Office, 1317 Winewood Blvd., Bldg. 8, Tallahassee FL 32399-0700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

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

DEPARTMENT OF INSURANCE

RULE CHAPTER NO.: 4-154 RULE CHAPTER TITLE: Minimum Reserve Standards for Individual and Group Health Insurance

AMENDED 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., Florida Statutes, published in Vol. 24, No. 41, October 9, 1998, of the Florida Administrative Weekly, and amended in Vol. 25, No. 1, January 8, 1999:

The definition "Reasonable Method" it should be "(30) Reasonable Method" not "(26) Reasonable Method". The definition "Reasonable Assumptions for Contract Reserves" it should read "(31) Reasonable Assumptions for Contract Reserves" not "(27) Reasonable Assumptions for Contract Reserves".

4-154.204(2) should read 4-154.204(2)(a).

The remainder of the rule will read as published.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-11 RULE CHAPTER TITLE: Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments