

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

State Fire Marshal

RULE TITLE: Florida Fire Prevention Code RULE NO.: 4A-60

PURPOSE AND EFFECT: To develop a Florida Fire Prevention Code.

SUBJECT AREA TO BE ADDRESSED: In accordance with Statute 633.0215, to develop a rule for the Florida Fire Prevention Code.

SPECIFIC AUTHORITY: 633.0215, 624.308 FS.

LAW IMPLEMENTED: 633.0215, 624.307 FS.

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

TIME AND DATE: 9:00 a.m., October 15, 1999

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Gillespie, State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0324, (850)413-4000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

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

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TIME AND DATE: 9:00 a.m., November 8, 1999

PLACE: Sarasota Manatee Airport Authority Conference Room, 1123 General Spaatz Blvd., Sarasota, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Gillespie, State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0324, (850)413-4000

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TIME AND DATE: 9:00 a.m., October 21, 1999

PLACE: Broward County Community College, Criminal Justice Institute, Room 155, Bldg. 22, 3501 Davie Road, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Gillespie, State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0324, (850)413-4000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

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TIME AND DATE: 9:00 a.m., October 22, 1999

PLACE: Central Florida Emergency Services Institute, 2966 West Oak Ridge Road, Orlando, Florida, (Mid Florida Technical School)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Gillespie, State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0324, (850)413-4000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Baccalaureate Access
PURPOSE AND EFFECT: The purpose is to assure that the State University System and the State Community College System both have a process to share information and to work together to meet the needs for baccalaureate access in Florida.

RULE NO.: 6A-14.0302

The effect is to provide that the State Board of Community Colleges has guidelines for the community colleges to follow, as they enter into cooperative agreements to provide baccalaureate access to residents in their college service areas. Such guidelines will provide that, at a minimum, any private

college working with a community college to increase access must be regionally accredited and licensed to operate in Florida.

SUBJECT AREA TO BE ADDRESSED: Community college cooperative agreements to increase baccalaureate access in Florida.

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 239.301, 240.117, 240.124, 240.325 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie, III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 960725-GU

RULE TITLE: Transportation Service
RULE NO.: 25-7.0335

PURPOSE AND EFFECT: To require all investor-owned natural gas utilities to file a tariff that offers the transportation of natural gas to all non-residential customers. The rule also sets out the terms and conditions that must be included in the transportation service tariff. The rule also provides that natural gas utilities may offer transportation service to residential customers.

SUBJECT AREA TO BE ADDRESSED: The unbundling of natural gas and the provision of transportation services by natural gas utilities.

BACKGROUND: Commission staff recommended that the Commission propose the version of Rule 25-7.0335, F.A.C., included at the bottom of this notice at the August 31, 1999, agenda conference. The Commission denied staff's recommendation, and scheduled this workshop in order to learn more about unbundling in the natural gas industry and the policy choices embodied in staff's recommendation.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.03 FS.

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

TIME AND DATE: 9:30 a.m., Wednesday, November 17, 1999

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32301

Interested persons may obtain a copy of the workshop agenda by calling Wayne Makin, (850)413-6644, on or after Monday, November 1, 1999.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Makin, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-7.0335 Transportation Service.

(1) Each utility must offer the transportation of natural gas to all non-residential customers. Each utility may offer the transportation of natural gas to residential customers.

(2) In order to meet the objective set out in subsection (1), each utility must file a transportation service tariff with the Commission by March 31, 2000. Each tariff must include in its rules and regulations the utility's policy governing the transportation of natural gas. Each tariff must also comply with Rule 25-7.033, F.A.C. In addition, each tariff must set out the following terms and conditions:

(a) The utility is responsible for the transportation of natural gas purchased by the customer. The utility is not responsible for providing natural gas to a customer that elects service under the transportation service tariff. If the customer's marketer, broker, or agent fails to provide the customer with natural gas, the utility may disconnect service to the customer or provide natural gas under its otherwise applicable tariff provision.

(b) For customers that engage a marketer, broker, or agent to arrange and oversee the customer's gas purchase, the utility must obtain from that customer a statement that identifies the legal name, street address, mailing address if different from street address, and phone number of the marketer, broker, or agent.

(c) At the customer's request, the utility must provide an historical monthly usage summary with sufficient detail so that the customer can calculate its Maximum Daily Transportation Quantity (MDTQ). The utility may charge a cost-based fee for this summary.

(3) The utility must apply its transportation service tariff provisions in the same manner to all similarly situated affiliated and non-affiliated marketers, brokers, and agents.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03 FS. History—New

DEPARTMENT OF CORRECTIONS

RULE TITLES: RULE NOS.:
 News Media Visitors 33-104.101
 News Media Access to Inmates Under
 Sentence of Death 33-104.203

PURPOSE AND EFFECT: The Department of Corrections is initiating rule development for the purpose of re-evaluating the Department's current policy on allowing media representatives to conduct personal visits and interviews with individual inmates.

SUBJECT AREA TO BE ADDRESSED: News media access to inmates.

SPECIFIC AUTHORITY: 20.315, 922.11, 944.09 FS.

LAW IMPLEMENTED: 922.11, 944.23, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., November 1, 1999

PLACE: Parole Commission Conference Room, Building C, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: C. J. Drake, 2601 Blair Stone Road, Tallahassee, FL 32399-2500, (850)488-0420, www.dc.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
 Control of Contraband 33-602.203

PURPOSE AND EFFECT: The purpose of the proposed rule is to reflect position title changes, clarify provisions related to the definition of contraband and the handling of contraband items, and to provide for the use of a new form to be used when impounding inmate personal property.

SUBJECT AREA TO BE ADDRESSED: Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 FS.

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

TIME AND DATE: 9:00 a.m., October 20, 1999

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) Contraband is any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was neither:

1. Issued,
2. Approved for purchase at the commissary,
3. Purchased through an approved source with official approval,
4. Authorized and approved for delivery by mail, nor
5. Authorized to be brought into the institution or facility by an approved visitor.

(b) through (c) No change.

(2) No change.

(3) No person, whether he be an inmate or other person, unless authorized by the warden, ~~assistant warden, chief of security or the shift supervisor~~ Officer in Charge, or his designated representative, shall introduce into or upon the grounds of an institution any of the following articles which are hereby declared to be contraband:

(a) Any intoxicating beverage.

(b) Any narcotic or hypnotic or excitative drug or substance prohibited by law.

(c) Any firearm or any instrumentality customarily used or designed to be used as a dangerous weapon.

(d) Any instrumentality of any nature that may be used as an aid in effecting or attempting to effect an escape.

(e) Any item depicting signs, symbols or other identifiers of a criminal street gang as defined in s. 874.03, F.S., or any other gang, group or organization which has been identified by the department as posing a threat to the safety or security of the institution.

(f) Any other article, instrument, or substance specifically prohibited by the policies and rules of the institution.

(4) No person whether he be an inmate or other person, shall take any article whatsoever from the grounds of any institution without authorization from the warden, ~~assistant warden, chief of security~~ Officer in Charge, or shift supervisor ~~his designated representative~~.

(5)(a) No money shall be given directly to or received by an inmate assigned to a community correctional center unless authorized by the chief ~~of security~~ correctional officer or his designated representative. On a case by case basis, each chief ~~of security~~ correctional officer may authorize a draw of funds from the inmate's account that exceeds the approved amount authorized under ~~33-203.201(3)~~ if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$50 in community correctional centers shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.

(b) No change.

(6) No change.

(7) Disposition of Contraband.

(a) through (d) No change.

(e) If items of contraband are detected in the mail, that are not of any illegal nature, the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures. ~~The property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor or sent to a relative or friend, at no cost to the State in accordance with the provisions of Department rules relating to inmate property.~~

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, receipt shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 the receipt shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Office of Security and Institutional Operations, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(b)1. The Regional Director may declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass shakedown is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. Copies of Form DC6-220 Receipts do not have to be given immediately for property taken during such a mass shakedown. However, the property taken shall be kept and preserved, identified as to the area from which it was taken, and the inmate shall receive a copy of Form DC6-220 receipts shall be given as soon as practicable after the emergency has ceased. Property unclaimed after 30 days shall be disposed of as provided in subsection (7).

3. If items of inmate personal property are damaged or destroyed by Department staff during routine shake downs, emergency shakedowns or while impounded, the warden or his designee shall cause an investigation to be made to determine:

a. How the property became damaged or destroyed.

- b. Who is responsible for the damage or destruction.
 - c. Whether there was any violation of Department policy or rules by staff.
 - d. Whether appropriate staff need to be disciplined.
 - e. prevent such loss of property from occurring in the future.
4. If an investigation determines that inmate personal property has been damaged or destroyed by Department staff, the procedure as outlined in 33-602.201(11) shall be followed in order to replace the property.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-06-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
 RULE NO.: 33-602.210

PURPOSE AND EFFECT: The proposed rule is needed in order to provide guidelines for the videotaping of use of force incidents and the review and processing of these tapes, and to correct titles of positions and offices involved in the use of force review process.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

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

TIME AND DATE: 9:00 a.m., October 19, 1999

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene.

(3) through (4) No change.

(5) Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, Form DC3-320. Form DC3-320 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 26, 1986.

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC3-300, Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-300 part I shall prepare a staff supplement, Form DC3-329. The report shall describe in detail the type and amount of force used by himself or herself. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-300 part I shall prepare a separate Form DC3-300, Report of Force Used. Form DC3-300 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is November 2, 1994. Form DC3-329 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Operations, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is November 2, 1994.

(7) The Authorization for Use of Force Report and the Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used, ~~but prior to the employee's normal days off, an official holiday or the taking of annual leave by the employee.~~ If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return ~~on the next calendar day to his duty station.~~ Barring such an emergency, a All reports must be typed and submitted to the warden or assistant warden within 1 5 working days (Monday through Friday) following ~~after~~ the incident.

(8) ~~The warden or assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation cause an investigation to be done and shall, in writing, approve the use of force as being justified or disapprove it as being unjustified, stating the reasons for his approval or disapproval. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information. This information will include statements from all involved staff, inmates and staff and inmate witnesses. This process will be completed within 5 working days (Monday through Friday). The warden shall forward the videotape(s) and associated reports on the use of force and the warden's summary to the institutional inspector. The institutional inspector will review the videotape(s) and associated documentation and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it and refer it for investigation. The employee's report and the warden's evaluation shall be forwarded within 5 working days of the date of the completion of the investigation to the regional director who shall, in writing, concur in the warden's evaluation or disapprove it. Copies of the employee's report, the warden's summary evaluation and the inspector general's regional director's review and determination shall be kept in the inmate's file. A notation of each incident involving use of force and the outcome based on the warden's or regional director's evaluation and the regional administrator's review shall be kept in the employee's personnel file. Form DC2-696, Use of Force Log, shall be used for this purpose. Form DC2-696 is hereby incorporated by reference. Copies of this form may be obtained from any department personnel office or from the Bureau of Personnel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is November 8, 1998.~~

(9) ~~Any~~ Each employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an incident independent report, Form DC6-210, pursuant to Section 944.35(5), Florida Statutes, specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located.

(10) No change.

(11) The use of electronic restraining devices, batons, or chemical agents within institutions shall be authorized only by the warden, or duty warden ~~his designee~~ if the warden is not available. For purposes of this rule, the duty warden ~~designee~~ shall be of a rank of correctional officer colonel ~~shift supervisor~~ or higher. ~~The correctional officer major at the main unit can serve as duty warden at those institutions that do not have a correctional officer colonel.~~ Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents or authorized electronic restraining devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents or electronic restraining devices.

(12) Use of electronic restraining devices.

(a) through (e) No change.

(f) Electronic restraining devices shall be issued to officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The ~~correctional officer~~ chief of security, or in his absence, the shift supervisor ~~officer in charge~~, shall determine the number of officers who will be issued firearms and electronic restraining devices during such trips.

(g) through (k) No change.

(13) Use of Chemical Agents.

(a) through (b) No change.

(c) ~~Except in cases of emergency, c~~Chemical agents can only shall be used if authorized by the warden or duty warden only by order of the warden or a high ranking employee specifically designated by the warden. For purposes of this paragraph, "high ranking" means shift supervisor or higher.

(d) Except in cases of emergency, as determined by the warden or duty warden ~~officer in charge~~, chemical agents shall be employed only by persons trained in their use.

(e) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in the control room arsenal until ~~its~~ their use is authorized. Shift supervisors, correctional officer sergeants and correctional officers assigned to the internal security post(s) are authorized to carry one three to four ounce dispenser of non-flammable OC (pepper spray) with marking dye while on duty. These staff members are pre-authorized to administer chemical agents in self-defense and to bring physically a physically combative inmate(s) under control in order to restore order and prevent injury.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the shift supervisor or higher shall be contacted for further instructions.

2. If the shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the warden ~~or duty warden, if in the institution, or his designee, if warden is not available~~, and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be ordered by staff to cease his actions.

a. If these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions and inform him that chemical agents will be administered if he continues his disruptive behavior.

b. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

c. Except in cases of emergency, the shift supervisor shall be present during the time of the final counseling period and the administering of chemical agents.

4. The inmate shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination.

(n) No change.

(14) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate ~~Department of Corrections institutional operating~~ procedures, post orders and escape emergency plans at each institution.

(a) No change.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, assistant warden, ~~chief of security or shift supervisor~~ ~~correctional officer chief, or the officer-in-charge~~ by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. In self-defense;

2. To prevent escape;

3. To prevent injury to a person; or

4. To quell a riot.

(c) through (j) No change.

(15) Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible, if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC3-300, Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within ~~1~~ 5 days of the incident and shall be submitted to the warden for ~~initial review~~ appropriate investigation. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Report of Forced Used. The original reports shall be filed in the medical record. Form DC4-701C and Form DC4-708 are hereby incorporated by reference. Copies of these forms may be obtained from any institution or from the Bureau of Health Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is September 28, 1985.

(16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended.

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The Commission is amending seven forms to note the change in the century—19__ is being amended to 20__.

SUBJECT AREA TO BE ADDRESSED: The forms promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically: CE Form 8A; CE Form 8B; CE Form 20; CE Form 20-R; CE Form 22; CE Form 9; and CE Form 30.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., October 18, 1999

PLACE: Conference Room, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julia Cobb Costas, Staff Attorney

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (g) No change.

(h) Form 8A, Memorandum of Voting Conflict for State Officers. To be utilized by public officers serving at the State level of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/95~~.

(i) Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. To be utilized by public officers serving at local levels of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/98~~.

(j) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(k) Form 20-R, Executive Branch Lobbyist Renewal. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(l) Form 22, Executive Branch Lobbyist's Expenditure Report. To be utilized by executive branch lobbyists for compliance with Subsection 112.3215(5), Florida Statutes. Effective 1/00 ~~4/99~~.

(m) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/00 ~~4/98~~.

(n) No change.

(o) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/00 ~~4/98~~.

(2) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS. Law Implemented Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 1-1-00.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Agreements
RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of this proposed rule is to incorporate delegation agreements with Lake and Osceola County Health Units regarding water well permitting.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision will incorporate the delegation agreements with Lake and Osceola Counties allowing for regulation of water well construction standards for wells less than six inches in diameter, unless these wells are in a Chapter 62-524, F.A.C., delineated area.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.033, 373.308, 373.313, 373.316, 373.326 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Larry Lee, Division Director, Division of Water Use Compliance, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4205

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (9) No change.

(10) An agreement between Lake County Health Unit and St. Johns River Water Management District regarding water well permitting dated September 7, 1999.

(11) An agreement between Osceola County Health Unit and St. Johns River Water Management District regarding water well permitting dated September 7, 1999.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035. Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Procedures
 RULE NO.: 53-19.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the disciplinary action for employees who qualify as a candidate for, or holds, public office without obtaining prior approval.

SUBJECT AREA TO BE ADDRESSED: Procedures for employees wishing to seek candidacy for, or to hold, a local public office.

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105(20)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-19.003 Procedures.

(1) through (5) No change.

(6) An employee who qualifies as a candidate for, or holds, public office without obtaining prior approval in accordance with Section 53-19.003, F.A.C., shall be subject to disciplinary action up to and including termination. shall be ineligible for continued employment with the Lottery and shall be deemed to have resigned employment from the Lottery.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105 (20)(d) FS. History—New 2-25-93. Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Minimum Standards for Home
 RULE CHAPTER NO.: 59A-25

Medical Equipment Services

PURPOSE AND EFFECT: The purpose of this rule is to provide for the establishment of basic standards that will ensure quality home medical equipment and services in the consumer's regular or temporary place of residence. According to Florida Statutes section 400.935, the agency shall adopt, publish, and enforce rules to implement reasonable and fair minimum standards relating to the following: qualifications and minimum training requirements of all home medical equipment provider personnel; licensure application and renewal; license and inspection fees, financial ability to operate; the administration of the home medical equipment provider; procedures for maintaining patient records; ensuring that the home medical equipment and services provided by the home medical equipment provider are in accordance with the plan of treatment established for each patient, when provided as part of the plan of treatment; contractual arrangements for the provision of home medical equipment and services by providers not employed by the home medical equipment provider providing for the consumer's needs; physical location and zoning requirements; home medical equipment requiring home medical equipment services.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Medical Equipment Services.

SPECIFIC AUTHORITY: Part X of 400 FS.

LAW IMPLEMENTED: Part X of 400 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 noon and 1:00 p.m. – 3:00 p.m., October 21, 1999

PLACE: Agency for Health Care Administration, Manchester Building, 8355 Norhtwest 53rd Street, 2nd Floor, Miami, Florida 33166

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Monteen Spooner, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 204, Tallahassee, FL 32308, (850)414-6010. Please Email Ms. Spooner at the following address if you plan to attend spoonerm@fdhc.state.fl.us. A draft rule will be available to the public on October 14, 1999, that is 7 days prior to the workshop.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Electrical Contractors' Licensing Board

RULE TITLE: Certification of Registered Contractors
RULE NO.: 61G6-5.0035

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will provide language for registered contractors to become certified and will set forth the qualifications which must be met.

SUBJECT AREA TO BE ADDRESSED: Certification of Registered Contractors.

SPECIFIC AUTHORITY: 489.507, 489.514 FS.

LAW IMPLEMENTED: 489.514 FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on October 19, 1999

PLACE: The Radisson Hotel, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: George Ayrish, Program Administrator, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0771

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.0035 Certification of Registered Contractors.

(1) Any registered contractor, building code administrator, or inspector licensed in the residential and commercial electrical inspector categories who wish to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S., shall meet the following requirements:

(a) Submit a completed "Application for Certification of a Registered License" on Form BPR/ECLB-REG.TO.CERT.9/99, which is hereby incorporated by reference, effective _____, copy of which may be obtained from the Board office.

(b) Submit proof of continuing education pursuant to Rule 61G6-9.001, F.A.C.

(c) A registered contractor who was not required to pass a written, proctored examination to receive the registered license, may be considered for certification under this rule if he or she passes an examination that is substantially similar to the examination produced by the National Assessment Institute, Block and Associates or NAI/Block prior to application.

(d) For purposes of implementing s. 489.514, F.S., the registered contractor must show at least 5 years experience obtained after the issuance of the registered license in the category sought. The registered contractor must have held an active license in the category sought for a period of at least 5 years, but the 5 year period is not required to be consecutive. Any time periods when the license was placed on inactive or probation status shall not count toward the 5 years' required experience; or

(e) For purposes of implementing s. 489.514, F.S. a building code administrator who is licensed pursuant to Chapter 468, Part XII, F.S., for at least five years, and has oversight responsibility in permitting inspection, and enforcement of electrical and alarm codes, or a combination of 5 years as an active registered electrical, specialty electrical, or alarm contractor or licensed as a building code administrator pursuant to Chapter 468, Part XII, F.S., with oversight responsibility in permitting, inspection, and enforcement of electrical and alarm codes meets the experience requirements for a certified registered license in the appropriate category.

(f) For purposes of implementing s. 489.514, F.S., an inspector who is licensed in both residential electrical and commercial electrical inspector categories pursuant to Chapter 468, Part XII, F.S., for at least 5 years, with oversight responsibility over the licensing categories, or a combination of at least 5 years as an active registered electrical and/or alarm contractor or inspector who is licensed in the residential electrical and commercial electrical inspector categories pursuant to Chapter 468, Part XII, F.S., with oversight responsibility over the licensing categories meets the experience requirements for a certified registered license in the appropriate category. A residential electrical inspector license is required for the certified registered residential electrical specialty license.

(g) A registered contractor who becomes a certified contractor under s. 489.514, F.S., does not qualify for certification by endorsement in the states who have entered into endorsement agreements with the Florida Electrical Contractors' Licensing Board based upon substantially equivalent examinations.

(2) Specialty Electrical Categories – Registered to Certified

(a) Certified Registered Electrical Contractor permits a contractor with a registered electrical and registered alarm system contractor I license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any electrical system, including any alarm system and all specialty categories.

(b) Limited Certified Registered Electrical Contractor permits a registered contractor who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any electrical system, including all specialties. A limited certified electrical

contractor may bid on electrical contracts which include alarm systems contracting as part of the contract, but all portions of the alarm systems, except raceway systems, must be subcontracted to a certified or registered alarm system contractor.

(c) Limited Certified Registered Electrical/Burglar Alarm System Contractor permits a contractor with a registered electrical and registered burglar alarm license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any burglar alarm system and/or electrical system, including all specialties. A limited certified electrical/burglar alarm contractor may bid on all electrical and burglar alarm contractors, but all portions of a fire alarm systems, except raceway systems, must be subcontracted to a certified or registered Alarm Systems Contractor I.

(d) Certified Registered Alarm System Contractor I permits a contractor with a registered alarm system contractor I license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C. to contract throughout the state for any alarm or limited energy system.

(e) Certified Registered Alarm System contractor II permits a contractor with a registered alarm system contractor II license who has met the requirements outlined in Section 489.514, F.S., and 61G6-5.0035, F.A.C., to contract throughout the state for any alarm system or limited energy system, excluding fire alarm systems.

Specific Authority 489.507, 489.514 FS. Law Implemented 489.514 FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Certification Examination Requirements

RULE NO.: 61G6-6.001

PURPOSE AND EFFECT: The Board proposes to amend this rule by updating the rule text.

SUBJECT AREA TO BE ADDRESSED: Certification examination requirements.

SPECIFIC AUTHORITY: 455.217(1)(b) FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on October 19, 1999

PLACE: The Radisson Hotel, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: George

Ayrish, Program Administrator, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-6.001 Certification Examination Requirements.

(1) through (2) No change.

(3) The content areas of each examination and the approximate weight assigned to each section are as follows:

(a) through (d) No change.

(e) ~~Limited Low~~ Energy Contractor. Technical Section 69%; General Business Section 25%; and Safety Section 6%.

(f) through (g) No change.

(4) No change.

Specific Authority 455.217(1)(b) FS. Law Implemented 455.217(1)(b) FS. History—New 1-2-80, Amended 4-26-81, 1-19-84, Formerly 21GG-6.01, 21GG-6.001, Amended 3-20-95, 5-2-96, 5-7-97, 10-6-97, 9-7-98, 10-7-99.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Specialty Electrical Contractors

RULE NO.: 61G6-7.001

PURPOSE AND EFFECT: The Board proposes to amend this rule by updating the rule text.

SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.505(19) FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on October 19, 1999

PLACE: The Radisson Hotel, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: George Ayrish, Program Administrator, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, Florida Statutes, and Chapter 61G6-5, above. In order to be admitted to a specialty contractor examination, the person

must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (3) No change.

(4) ~~Limited Low~~ Energy Systems Specialty. The scope of certification of a limited low energy systems specialty contractor includes the installation of, repair of, fabrication, erection, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), central vacuum, or electric locks.

(a) through (b) No change.

(5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.511(5), 489.505(19) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES:	RULE NOS.:
Biennial Renewal Fee	64B1-2.001
Delinquent Fee	64B1-2.0015
Fees for Inactive Status and Change to Active Status	64B1-2.010
Fee for Wall Certificate or Duplicate License	64B1-2.014

PURPOSE AND EFFECT: The purpose of Rule 64B1-2.001 is to decrease the biennial renewal fee from “\$600” to “\$400”. The purpose of Rule 64B1-2.0015 is that the license becomes delinquent on failure to renew, not on failure to pay the renewal fee. The purpose of Rule 64B1-2.010 is to combine the renewal fees in one rule. The purpose of Rule 64B1-2.014 is that the 1999 amendments to §455.587 provide for the issuance of wall certificates; this is the same statute addressing the fee allowed for duplication of licenses.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee; Delinquent Fee; Fees for Inactive Status and Change to Active Status; Fee for Duplicating Licenses and Certifications.

SPECIFIC AUTHORITY: 457.104, 457.107(1), 455.711, 457.108(2), 455.587(6) FS.

LAW IMPLEMENTED: 457.107(1), 455.711, 457.108, 455.587(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT IS:

64B1-2.001 Biennial Renewal Fee.

(1) ~~The biennial renewal fee for an active license is Any person certified as an acupuncturist shall apply for renewal of certification biennially upon payment of a fee of \$400 600.~~

(2) ~~The renewal fee for an inactive license is \$200.~~

Specific Authority 457.104, 457.107(1) FS. Law Implemented 457.107(1) FS. History—New 4-5-84, Amended 11-19-85, Formerly 21AA-2.01, Amended 12-21-87, 7-16-89, Formerly 21AA-2.001, 61F1-2.001, Amended 10-25-95, Formerly 59M-2.001, Amended _____.

64B1-2.0015 Delinquent Fee.

The delinquent fee applicable to any licensed certified acupuncturist who fails to ~~timely pay the biennial renewal on a timely basis~~ fee provided in Rule 64B1-2.001 shall be \$200.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History—New 10-25-95, Amended 2-21-96, Formerly 59M-2.0015, Amended _____.

64B1-2.010 Fees for Inactive Status and Change to Active Status.

The following fees shall be paid as appropriate:

(1) Application fee for ~~active~~ or inactive status shall be \$200.

(2) Change of status fee for change other than at renewal shall be \$200 ~~Renewal fee for inactive status shall be \$200.~~

(3) Fee for the reactivation of a license certificate shall be \$400 600.

Specific Authority 455.711, 457.104, 457.108(2) FS. Law Implemented 457.108 FS. History—New 5-12-87, Amended 12-21-87, 8-6-89, Formerly 21AA-2.010, 61F1-2.010, Amended 10-25-95, Formerly 59M-2.010, Amended _____.

64B1-2.014 Fee for Wall Certificate or Duplicate license Duplicating Licenses and Certifications.

The fee for issuance of a wall certificate or a duplicate license shall be ~~Board shall charge a fee of twenty-five dollars (\$25.00) per duplication to defray the cost of duplicating any wall certificate or license.~~

Specific Authority 455.587(2)(6) FS. Law Implemented 455.587(2)(6) FS. History—New 11-26-90, Amended 3-22-92, Formerly 21AA-2.014, Amended 10-17-93, Formerly 61F1-2.014, 59M-2.014, Amended _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Licensure by Endorsement Through Another State License	64B1-3.010

PURPOSE AND EFFECT: The purpose and effect of the amendments to rule 64B1-3.010 is that the rule still includes tutorial and experience as avenue to demonstrate eligibility for licensure. While there are a few tutorial students in Florida who applied and had their tutorial approved prior July 1, 1997, there is no authority for the Board to permit endorsement candidates to be licensed by tutorial or experience.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement Through Another State License.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.105, 457.1085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-3.010 Licensure by Endorsement Through Another State License.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure those applicants who satisfy the following requirements:

- (1) through (3) No change.
- (4) submit proof that the applicant has completed ~~one of the following:~~
 - (a) a minimum of a 2 year school program pursuant to Rule 64B1-4.001,
 - (b) a 2 year tutorial program pursuant to Rule 64B1-4.002 and Rule 64B1-5, or
 - (c) five years of experience pursuant to Rule 64B1-4.003.

Specific Authority 457.104 FS. Law Implemented 457.105, 457.1085 FS. History—New 10-1-89, Amended 2-27-92, Formerly 21AA-3.010, 61F1-3.010, Amended 2-20-96, Formerly 59M-3.010, Amended 4-7-98, _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Definitions
 RULE NO.: 64B1-5.002

PURPOSE AND EFFECT: The Board proposes to delete the definition of “trainee.” It is no longer applicable to the Board.

SUBJECT AREA TO BE ADDRESSED: Qualification of Trainee.

SPECIFIC AUTHORITY: 457.104, 457.105(2)(b) FS.

LAW IMPLEMENTED: 457.105(2)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William

Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-5.002 Definitions.

~~(1) “Trainee” means a person approved by the Board under Rule 64B1-5.003 to participate in a tutorial program for the study of acupuncture under the direct supervision of a Board-approved preceptor.~~

~~(1)(2) “Preceptor” means a Board-approved acupuncturist who is certified pursuant to Rule 64B1-5.004 who assumes the responsibilities for direct supervision and education of a trainee participating in a Board-approved tutorial program.~~

~~(2)(3) “Direct supervision” means the preceptor is physically present in the same room with the trainee where the hands-on experience is occurring.~~

~~(3)(4) “Indirect supervision” means the preceptor is physically on the premises so that the preceptor is immediately available to the trainee when needed.~~

~~(4)(5) “Two years of a continuous nature” means a period of two (2) years from the date of approval of the tutorial program during which the trainee trains with the approved preceptor a minimum of 48 weeks each year.~~

~~(5)(6) “25 hour work week” means a seven-day period in which the trainee trains with the approved preceptor not less than 25 hours.~~

~~(6)(7) “Classroom instruction” means instruction by the preceptor, or a guest instructor, performed in a classroom, without patients.~~

~~(7)(8) “Clinical instruction” means instruction by the preceptor, or a guest instructor, consisting of observation and treatment of patients.~~

~~(8)(9) “Guest instructor” means an acupuncturist, or other licensed health care provider who may legally practice acupuncture, who meets the requirements of Rule 64B1-5.004, and who provides instruction to a trainee under the direct supervision of the preceptor, up to a maximum of 240 hours of classroom instruction.~~

Specific Authority 457.104, 457.105(2)(b) FS. Law Implemented 457.105(2)(b) FS. History—New 5-10-87, Amended 5-17-90, Formerly 21AA-5.002, 61F1-5.002, Amended 10-25-95, 1-16-97, Formerly 59M-5.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES:	RULE NOS.:
Biennial Renewal of License	64B1-7.001
Continuing Education Requirement	64B1-7.0015
Notice to the Agency of Mailing Address and Place of Practice of Licensee	64B1-7.004

PURPOSE AND EFFECT: The purpose of Rule 64B1-7.001 is the Rule citations within the text need to be revised. The amendment to Rule 64B1-7.0015 will revise obsolete rules and procedures and to bring them into compliance with the 455.604, F.S. Rule 64B1-7.004 establish procedures for each licensee to provide written notification to the Department of the licensee’s current mailing address and place of practice.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal of License; Continuing Education Requirement; Notice to the Agency of Mailing Address and Place of Practice of Licensee.

SPECIFIC AUTHORITY: 455.604, 457.104, 457.107, 457.108, 455.2226, 455.711 FS.

LAW IMPLEMENTED: 455.604, 455.711, 457.107, 457.108, 455.2226 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B1-7.001 Biennial Renewal of License.
- (1) through (4) No change.
- (5) Any licensee may elect at the time of biennial renewal to place the license into inactive status by filing with the Department a completed application for inactive status and the appropriate fee required by Rule 64B1-2.010(1).

(a) Inactive licenses must be renewed biennially including payment of the renewal fee set forth in Rule ~~64B1-2.001(2)~~ ~~64B1-2.010(2)~~.

(b) An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.

(6) The failure of any licensee to renew a license, whether active or inactive, before the license expires shall cause the license to become delinquent, and the licensee must apply for active or inactive status pursuant to Section ~~455.711(6)~~ ~~455.271(6)~~, F.S., and remit the fees required by Rules ~~64B1-2.001~~ ~~2.002~~, 2.0015 and 2.010.

Specific Authority 455.604, 455.711, 457.104, 457.107, 457.108 FS. Law Implemented 455.604, 455.711, 457.107, 457.108 FS. History–New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, _____.

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license certificate, each licensee certificateholder shall attend 20 credit hours per biennium of continuing education that meets the requirements of Section 457, presented by a Board-approved provider.

(a) Each biennium, the licensee certificateholder shall complete a Board-approved program awarding at least 3 hours of continuing education credit concerning HIV/AIDS, which shall comply with the requirements of Section 455.604(1), Florida Statutes Rule ~~64B1-6.005(5)~~, F.A.C. Pursuant to Section 455.604(2) ~~455.2226(2)~~, Florida Statutes, each licensee certificateholder shall submit confirmation of having completed said course when submitting fees for each biennial renewal.

~~(b) Each biennium, the certificateholder shall complete a program on Chapters 455 and 457, Florida Statutes, and Rules 64B1, Florida Administrative Code, consisting of at least 2 hours of study.~~

~~(c) The remainder of the 20 hours of continuing education required each biennium must consist of programs designed to advance, increase or enhance the professional skills of the certificateholder in accordance with Rule 64B1-6.005.~~

(2) through (3) No change.

~~(4) Credit hours earned for the purpose of reactivating an inactive license under Rule 64B1-7.002 shall not be applicable to the continuing education requirement for biennial license renewal for the period in which such credits are earned.~~

~~(5) Notwithstanding the provisions of this rule, the continuing education requirements shall not apply to a licensee within the biennium in which the license was initially awarded, but shall apply to such licensee in every biennium thereafter.~~

Specific Authority 457.104, 457.107, 457.108, 455.2226 FS. Law Implemented 457.107, 457.108, 457.109, 455.2226, 455.271 FS. History–New 3-18-97, Formerly 59M-7.0015, Amended _____.

64B1-7.004 Notice to the Agency of Mailing Address and Place of Practice of Licensee.

(1) It shall be the duty of each licensee to provide written notification to the Department of the licensee’s current mailing address and place of practice. For purposes of this rule, “place of practice” shall mean the address of the primary physical location where the certificateholder practices acupuncture.

(2) Any time that the current mailing address or place of practice of any licensee changes, written notification of the change shall be provided to the Department within 10 days of the change. Written notice should be sent to the following address: Board of Acupuncture, 2020 SE Capital Circle, BIN 06, Tallahassee, Florida 32399-3256.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History—
New _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Disposal of Biohazardous Waste
 RULE NO.: 64B1-8.004

PURPOSE AND EFFECT: The Board proposes to update the effective date on the Biohazardous waste rules pursuant to the provisions of Chapters 64E-16 and 62-712, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Disposal of Biohazardous Waste.

SPECIFIC AUTHORITY: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085, 381.80 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-8.004 Disposal of Biohazardous Waste.

Biohazardous waste must be managed pursuant to the provisions of Chapters 64E-16 and 62-712, Florida Administrative Code, effective June 3, 1997 in effect on December 31, 1990.

Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085, 381.80 FS. History—New 5-6-87, Amended 12-23-87, 5-30-91, Formerly 21AA-8.004, 61F1-8.004, 59M-8.004. Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Public Assistance Programs
 RULE CHAPTER NO.: 65A-1

RULE TITLES: SSI-Related Medicaid Coverage
 RULE NOS.: 65A-1.709

SSI-Related Medicaid Non-Financial Eligibility Criteria
 65A-1.711

PURPOSE AND EFFECT: This rule amendment will implement revised procedures for the department’s processing of Medicaid applications involving a disability determination.

SUBJECT AREA TO BE ADDRESSED: The department is adopting revised Medicaid application processing procedures for those applications made due to a claim of disability and potentially involving a disability determination. These

procedures will encompass expedited application processing, presumptive eligibility and substantial gainful activity criteria specified in 20 CFR ss. 404.1505, 404.1571, 404.1572, 404.1573, 404.1574 and 416.920.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., October 18, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, FLORIDA 32399-0700

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

**Section II
 Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLES:	RULE NOS.:
Authority	2-34.001
Final Orders Required to Be Indexed	2-34.004
Numbering of Final Orders	2-34.005
System for Indexing Final Orders	2-34.006
Maintenance of Records	2-34.007
Plan	2-34.008

PURPOSE AND EFFECT: The Department of Legal Affairs maintains a rule indexing system that complies with section 120.53, Florida Statutes, and Rules 1S-6.001 and 1S-6.002, Florida Administrative Code. The above-referenced rules are being repealed because they are unnecessary.

SUMMARY: These rules are being repealed because they are unnecessary.

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: 120.533 FS.

LAW IMPLEMENTED: 120.53(2)-(4), 119.041(2) 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):