

Specific Authority 461.005, 461.0135 FS. Law Implemented 120.52(9), 455.564(2), 455.587(1), 461.003(2), 461.0135 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5C-4	Admission of Animals for Exhibition
RULE NOS.:	RULE TITLES:
5C-4.001	General Requirements and Limitations
5C-4.002	Cattle
5C-4.003	Swine
5C-4.005	Goats and Sheep

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 33, Aug 20, 1999, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 99-46R

RULE NO.:	RULE TITLE:
18-21.004	Management, Policies, Standards, and Criteria

NOTICE OF CORRECTION

Notice is hereby given that text was inadvertently omitted when the Notice of Proposed Rulemaking was published in the December 3, 1999 issue of the Florida Administrative Weekly (Vol. 25, No. 48). The proposed rule text should read as follows:

18-21.004 Management Policies, Standards, and Criteria. The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereign submerged lands.

- (1) General Proprietary
- (a) through (h) No change.

(i) The use of sovereign submerged lands for the anchoring or mooring of vessels used primarily for the purposes of gambling shall be prohibited when such vessels are engaged in "cruises to nowhere," where the vessels leave and return to the State of Florida without an intervening stop within another state or foreign country, or waters within the jurisdiction of another state or foreign country. This prohibition also applies to any vessel used to carry passengers to, or from, "cruises to nowhere."

- (i) through (j) Renumbered as (j) through (k) No change.
- (2) through (5) No change.

Specific Authority 253.03, 253.73 FS. Law Implemented Art. X, s.11, Fla. Const., 253.001, 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98, _____.

The time for requesting a hearing on the proposed rule is extended to 21 days from the date of this notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Coram, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)488-0130

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.801	Close Management – General
33-601.803	Privileges in Close Management
33-601.805	Assignment to Close Management
33-601.806	Review of Assignment to Close Management
33-601.809	Close Management – Case Management Responsibilities
33-601.810	Close Management Facilities
33-601.811	Close Management – Other Conditions and Privileges
33-601.812	Close Management Records and Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly have been withdrawn. Note: These rules were published in the notice of proposed rulemaking as 33-38.001, 33-38.003, 33-38.005, 33-38.006, 33-38.009, 33-38.010, 33-38.011 and 33-38.012, respectively, but have since been renumbered as indicated above.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.2045	Inmate Substance Abuse Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 43, October 29, 1999, issue of the Florida Administrative Weekly:

33-602.2045 Inmate Substance Abuse Testing.

Paragraph (2)(a)1. Should be changed as follows:

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, duty warden, or the major of the community facility, ~~or their designees~~. An inmate can be tested for a minimum of three drugs on a for-cause basis.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.205 Inmate Telephone Use
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 45, November 12, 1999, issue of the Florida Administrative Weekly:

Paragraph (2)(k) of proposed rule 33-602.205 should read as follows:

(k) Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and tapes of monitored calls shall be retained for a minimum of one year. Access to tapes and records shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Assistant Secretary for the Office of Security and Institutional Operations or his designee;
3. Regional Directors;
4. Inspector General or designee;
5. The warden of each institution or his or her designee;
6. Correctional officer inspectors;

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, November 5, 1999, issue of the Florida Administrative Weekly:

The second sentence of (10) of proposed rule 33-602.210 should read as follows:

The physician ~~or his designee~~ shall prepare a report documenting the reasons that force or restraint was authorized.

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
33-602.220 Administrative Confinement
33-602.221 Protective Management
33-602.222 Disciplinary Confinement
33-602.223 Special Management Meal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly have been withdrawn. Note: These rules were published in the notice of proposed rulemaking as 33-3.0081, 33-3.0082, 33-3.0084 and 33-3.0085, respectively, but have since been renumbered as indicated above.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-5.001 Examinations
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 4, 1999, in Tampa, Florida, voted to change subsection (5) of the rule. When changed, subsection (5) shall read: "Pursuant to Subsection 458.311(1)(h) and 458.313(2), F.S., any applicant who is currently licensed in at least one other jurisdiction of the United States or Canada, the Board approves and designates the use of the Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX). An applicant must achieve a score of no less than 75 on the SPEX to be eligible for licensure in Florida. If such score is obtained outside of Florida the applicant will not be required to re-take the SPEX or pay the fee required for purchase of the SPEX. However, if the applicant is submitting a score on the SPEX for the purpose of complying with the clinical competency examination requirement of section 458.313(1)(c), F.S., the score of 75 or more must be achieved within the year preceding the application for licensure."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-11.0015 Renewal of Approval for
Recognizing Agencies
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 37, of the Florida Administrative Weekly on September 17, 1999, has been withdrawn. The person to be contacted regarding the rule is: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.900 RULE TITLE: Overpayment and Benefit Recovery
 CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 10:00 a.m., January 5, 2000

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

PURPOSE: The department will discuss further amendment of administrative rule 65A-1.900, FAC., as to policy/forms requirements in regard to demand letters; the initial discussion being whether or not these letters must be in rule. This hearing will address requirements for notification of overpaid households regarding the department's discretionary authority to set repayment options for food stamp overpayment claims. Additionally, the incorporation by reference of Forms CF-ES 3042, Food Stamp Notice of Overissuance, and CF-ES 3057, Information Concerning Administrative Disqualification Hearings, will be discussed.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002 RULE TITLE: Definitions
 NOTICE OF CHANGE

Notice is hereby given that in response to recommendations made by the Joint Administrative Procedures Committee the following changes, in addition to non-published technical corrections/clarifications, have been made to Rule 67-48, Florida Administrative Code, as published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999. These changes are in addition to those listed in Notice of Change published in Vol. 25, No. 45, of the Florida Administrative Weekly on November 12, 1999.

67-48.002 Definitions.

(10) The following has been added to the "Verification of Environmental Safety" form, Form 7, page 17 of 21:

If a Phase II Assessment was required by the Phase I, I certify that the Phase II Assessment was performed and a report dated _____ was prepared. A true and correct copy of the Executive Summary of the Phase II Assessment accompanies this form at Form 7, Exhibit _____.

If a Phase II Assessment was recommended and not performed, attach an explanation which includes recommended mitigation. Such explanation is included at Form 7, Exhibit _____.

The "NOTE" at the bottom of the "Verification of Availability of Infrastructure" forms, Form 7, pages 18 through 21 of 21, has been revised to read as follows:

NOTE: DO NOT 'SCAN', 'IMAGE', RETYPE OR OTHERWISE ALTER THIS FORM. IT MAY BE PHOTOCOPIED. SIGNATURES FROM LOCAL ELECTED OFFICIALS ARE NOT ACCEPTABLE. IF THIS VERIFICATION FORM IS APPLICABLE TO THIS DEVELOPMENT AND IT IS ~~INAPPROPRIATELY SIGNED BY A LOCAL ELECTED OFFICIAL, THIS THE APPLICATION WILL RECEIVE ZERO POINTS FOR THIS ITEM NOT MEET THRESHOLD AND WILL BE REJECTED.~~

Form 10, Leveraging, Section I. B., page 2 of 5, has been changed as follows:

Each Application will be evaluated based on the percentage requested of the "Threshold" total Development cost as calculated below. This calculation is in accordance with the threshold requirement that precludes the Corporation from providing assistance for any costs in excess of \$65,000.00 per set-aside unit. In no event shall the total cost per set aside unit exceed \$84,500.00. Refer to the Threshold Pages for additional information.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for waiver exemption of Rule 25-24.515(13), Florida Administrative Code, filed August 25, 1999, in Docket No. 991212-TC, was approved by the Commission at its October 19, 1999, Agenda Conference. Order No. PSC-99-2188-PAA-TC, issued November 8, 1999, memorialized the decision. The rule addresses incoming calls at pay telephone stations. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on September 17, 1999.