

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Rate Differentials Based Upon Agent Services
RULE NO.: 4-167.003

PURPOSE AND EFFECT: The proposed rule development relates to requirements imposed by the Insurance Code in the context of "tiered rates" - rate and commission differentials established by automobile insurance companies based upon the level of service provided to the insured by the insurer and the insurance agent, respectively.

SUBJECT AREA TO BE ADDRESSED: Automobile insurance "tiered rates" and levels of service to the insured by the insurer and insurance agent, respectively.

SPECIFIC AUTHORITY: 624.308, 626.9541, 627.062, 627.0651 FS.

LAW IMPLEMENTED: 624.308, 626.9541, 627.062, 627.0651 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., October 10, 2000
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: Beth Vecchioli, Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5310

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 WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Viatical Settlements
RULE CHAPTER NO.: 4-204

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Definition of terms used in the act, disclosures for purchasers of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies.

SPECIFIC AUTHORITY: 624.308, 626.9925, 626.9935 FS.

LAW IMPLEMENTED: Part X, Chapter 626 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: 2:00 p.m., November 6, 2000
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 IS: Ted Straughn, Financial Examiner/Analyst Supervisor, Division of Insurer Services, Bureau of Specialty Insurers, Department of Insurance 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 Ted Straughn, (850)922-3110, Ext. 2474.

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Safety
RULE CHAPTER NO.: 4A-62

PURPOSE AND EFFECT: To implement standards and procedures for the employment safety of firefighters throughout the state.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for firefighter employment safety.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.045(1)(a) 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 9, 2000
PLACE: Room 116, Larson Building, Tallahassee, Florida

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

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 NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Agricultural Interim Measures and Best Management Practices in the Lake Okeechobee Watershed
RULE CHAPTER NO.: 5M-1

PURPOSE AND EFFECT: The purpose of this notice is to initiate the process of rule development for certain interim measures and Best Management Practices, as provided by Chapter 2000-130, Laws of Florida, Lake Okeechobee Protection Program, and Chapter 403.067, Florida Statutes (F.S.), Florida Watershed Restoration Act, to be followed by agricultural producers within the Lake Okeechobee watershed. This rule is expected to address the development of agricultural interim measures or best management practices for dairies, cow/calf operations, vegetable row crops, citrus production, nurseries, and sod farms within the Lake Okeechobee watershed.

Multiple rule development workshops to address the different agricultural operations covered by this rule are planned and will be noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft rule will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

As provided by law, the owner or operator of an agricultural nonpoint source addressed by this rule shall either implement the adopted interim measures or best management practices, or demonstrate compliance with the South Florida Water Management District's Works of the District program pursuant to Chapter 40E-61, Florida Administrative Code (F.A.C.) by conducting monitoring prescribed by the Florida Department of Environmental Protection (FDEP) or the District.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the development of agricultural interim measures and best management practices as provided in Chapter 2000-130, Laws of Florida, and Section 403.067, F.S.

SPECIFIC AUTHORITY: 373.4595(3)(c)1.,a.,b., 403.067(7)(d) FS.

LAW IMPLEMENTED: 373.4595(3)(c)1.,a.,b., 597.07(23) FS., Chapter 2000-130, Laws of Florida.

RULE DEVELOPMENT WORKSHOPS WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AS THOSE DATES ARE ESTABLISHED:

THE PERSON TO BE CONTACTED REGARDING A DRAFT OF THE PROPOSED RULE DEVELOPMENT IS: John Folks, Environmental Administrator, Office of Agricultural Water Policy, Florida Department of Agriculture and Consumer Services, 3125 Conner Blvd., Room 171, Mail Stop C-28, Tallahassee, Florida 32399-1650, Telephone (850)488-6249

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE MADE AVAILABLE TWO WEEKS PRIOR TO EACH WORKSHOP AND MAY BE OBTAINED BY CONTACTING THE DEPARTMENT AT THE ABOVE ADDRESS.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Investment Policy Statement
RULE NO.: 19-9.001

PURPOSE AND EFFECT: To discuss the proposed investment policy statement for the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Investment products; investment product providers and managers; manager selection and monitoring guidelines; and performance measurement criteria for the Investment Policy Statement required by Section 121.4501(14), Florida Statutes.

SPECIFIC AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(14) FS.

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

TIME AND DATE: 9:00 a.m. – 4:00 p.m., Friday, October 13, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 5, 2000.

Copies of the proposed new rule and the agenda for the workshop may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1492.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Follow Through on Approved Grievances
 RULE NO.: 33-103.016

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the routing process of the Grievance Approval Action Form.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

SPECIFIC AUTHORITY: 20.314, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.016 Follow Through on Approved Grievances.

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

(b) The approving employee shall then mail form DC1-306, along with a copy of the approved grievance or appeal, to the appropriate warden's office grievance coordinator.

(c) The warden shall forward the DC1-306 to the institutional grievance coordinator who shall complete Sections II, III, and IV of form DC1-306. The grievance coordinator shall then provide form DC1-306 and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) through (f) No change.

Specific Authority 20.315, 944.09 FS. Implemented 944.09 FS. History--New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Bank Trust Fund
 RULE NO.: 33-203.201

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify procedures and titles relevant to the inmate bank trust fund. The effect is to correct names of Department facilities at which inmates may establish demand deposit accounts, and to clarify procedures relating to: deposits into inmate bank trust fund accounts; processing of inmate accounts upon transfer,

release, or escape; and, adverse claims against accounts held by inmates in the inmate bank trust fund and the payment thereof.

SUBJECT AREA TO BE ADDRESSED: Inmate Bank Trust Fund.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.516 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Bank Trust Fund.

(1) No change.

(a) Inmates may establish a demand deposit account, hereinafter referred to as a checking account, through the Inmate Bank Trust Fund at institutions, work release centers, community facilities and service centers. If an inmate establishes a checking account through the Inmate Bank Trust Fund, such funds shall not accrue interest to him.

(b) through (f) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash allowed) that are mailed to a service center for an inmate shall be initially deposited in the Inmate Bank Trust Fund. Deposits mailed to institutional or other department addresses other than the service centers will be forwarded to the service center, but this process will result in delay in deposit of the funds. In order to deposit the funds the sender shall must complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. A copy of this form may be obtained from any institution, facility, service center, or the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is May 7, 2000.

(b) through (c) No change.

(3) Inmates on extended limits of confinement with sufficient balances in their individual inmate bank trust fund accounts shall be allowed to request a weekly draw of up to \$45 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized weekly draw, the inmate shall complete Form DC2-304, Special Withdrawal Form. Form DC2-304 is hereby incorporated by reference. A copy of this form may be obtained from any institution or facility or from the Forms Control Administrator, Office of the

General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a stamped, self-addressed envelope. The effective date of this form is May 7, 2000. If approved, these funds shall be paid to the inmate or his designated payee within 30 ~~10~~ days after receipt of the written request for withdrawal. This maximum time limitation shall not delay the weekly draw process which is usually accomplished in a shorter period of time. If the withdrawal is for the purpose of making a deposit to a savings account in the inmate's name, the check drawn upon the inmate bank trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution.

(4) No change.

(5) When an inmate is transferred from one Department of Corrections facility to another which is under the authority of another service center, and his Inmate Trust Fund account balance exceeds \$1.00, his trust funds shall be transferred to the new service center within 10 days after the transfer. If it is impossible to meet this deadline due to circumstances beyond the control of the Department, a letter of explanation shall be placed with the inmate's withdrawal request setting forth these circumstances.

(6) When an inmate is released from the control of the department, and his Inmate Trust Fund account balance exceeds \$1.00, the inmate's balance in the inmate bank trust fund at the time of discharge shall be mailed by the service center to an address of the inmate's choice. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payor by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by registered mail to the inmate. Inmates being released will be provided with cash for travel and related expenses. For inmates who meet eligibility requirements set forth in rule 33-601.502, this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, the amount will be later deducted from the inmate's trust fund account, with any remaining account balance being forwarded as indicated above.

(7) No change.

(8) When an inmate escapes and is not captured within 30 days, any balance in his Inmate Bank Trust Fund account, in excess of \$1.00, shall be forwarded to the person designated on the inmate's notification record. If this person cannot be located after reasonable efforts, the funds shall be forwarded to Central Office for deposit in the Dormant Inmate Fund

Account. If the escaped inmate is captured within 30 days, his funds shall be forwarded to the service center for the facility where the inmate is now incarcerated.

(9) through (10)(c) No change.

(d) If the claimant is the State of Florida and the claim is a cost judgment entered by a state or federal court against the inmate ~~either~~ in a civil or criminal action brought by the inmate, ~~or~~ in an appeal of such civil or criminal action, or if the cost judgment is the result of any other monetary judgment, order, or sanction imposed by a court against an inmate, the provisions of subsection (11) of this rule shall apply.

(11) No change.

(a) The attorney representing the state in such civil or criminal action or appeal shall file with the Admission and Release Authority, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate court, together with a cover letter stating the date and amount of the judgment, monetary order, or sanction, or the balance remaining if less than the face amount thereof, as well as the attorney's name, address and telephone number. The attorney shall also certify in the letter that:

1. through 4. No change.

(b) Upon receipt of the above documents, the Admission and Release Authority shall determine if the inmate is still in the custody of the department. If the inmate is not in the custody of the department, the Bureau of Sentence Structure and Transportation ~~Admission and Release Authority~~ shall advise the attorney of that fact and, if known, advise the attorney of the last known forwarding address of the inmate. If the inmate is in the custody of the department, the Admission and Release Authority shall forward the letter and a copy of the judgement or relevant order to the service center for the institution where the inmate is presently incarcerated, specifically directed to the attention of the person who is in charge of or responsible for the inmate bank trust fund at that service center.

(c) Once the service center receives the letter and a copy of the judgment or relevant order, a hold shall immediately be placed on the inmate's account. The inmate shall be promptly advised of the hold and that the reason therefore is an unsatisfied judgment or other monetary order or sanction. A copy of the attorney's letter or the letter from the probation and parole field office and a copy of the judgment or relevant order will be given to the inmate upon his request.

(d) No change.

(e) If there are insufficient funds in the inmate's account to satisfy the amount shown as due or the balance remaining as stated by the attorney, a check shall be issued payable to the "State of Florida" for the amount contained in the inmate's

account. Each time that the inmate receives funds in his account, payment shall be disbursed to the State of Florida until the debt is satisfied. The hold shall remain on the inmate's account until sufficient funds have been paid to satisfy the amount shown as due on the balance remaining thereon. If the inmate is released from the custody of the department before he has paid the full amount of the judgment, upon his release, a notice shall be sent to the attorney or probation and parole office advising the attorney or office of the inmate's release, the inmate's last forwarding address, if known, and the fact that the inmate has not paid the full amount of the judgment. A copy of this notice shall be placed in the inmate's file.

(f) No change.

(12) through (13) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.516 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Staff Housing Agreement Form
 RULE NO.: 33-208.506

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the Staff Housing Agreement Form, DC2-808A.

SUBJECT AREA TO BE ADDRESSED: Personnel.

SPECIFIC AUTHORITY: 20.315, 944.09(1), 945.025(1) FS.

LAW IMPLEMENTED: 20.315, 944.09(1), 945.025(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC2-808A, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~August 16, 2000~~.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History—New 9-1-88, Formerly 33-26.006, 33-602.506, Amended 8-16-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Youthful Offenders – Definitions	33-506.100
Designation of Institutions for Youthful Offenders	33-506.103
Youthful Offender Program Participation	33-506.106
Basic Training Program – Definitions	33-506.203
Basic Training Program Selection Process	33-506.204
Basic Training Program Operation	33-506.206
Basic Training Program – Inmate Privileges and Restrictions	33-506.207
Basic Training Program – Appearance and Hygiene	33-506.208
Basic Training Program – Discipline	33-506.211
Removal from Basic Training Program	33-506.212

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide definitions for terms used in conjunction with youthful offender provisions, to revise the list of institutions designated to house youthful offenders, to clarify provisions related to the extended day program, to revise and clarify the process for recommendation for modification of sentence, and to clarify definitions and provisions related to the basic training program for youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Youthful Offenders.
 SPECIFIC AUTHORITY: 20.315, 944.09, 958.04, 958.045, 958.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 946.40, 958.04, 958.045, 958.11, 958.12 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-506.100 Youthful Offenders – Definitions.

(1) Central Office Screening Committee – refers to the committee located in the central office, chaired by the Chief of Classification and Central Records and consisting of one additional representative from the Bureau of Classification and Central Records, an individual designated by the Director of the Office of Program Services, and an individual designated by the Director of the Office of Community Corrections. The purpose of this team is to review recommendations for sentence modification and to submit their findings to the Deputy Director of Institutions for final approval or disapproval.

(2) Inmate Management Plan Team (IMPT) – refers to a team consisting of the inmate’s classification officer and a representative from security and programs. The team members develop the inmate’s management plan which must be approved by the Institutional Classification Team (ICT), monitor the inmate’s progress, determine the inmate’s eligibility for sentence modification and make recommendations to the ICT as necessary in accordance with the rules.

(3) Extended Day Program – refers to a 16 hour daytime program at youthful offender institutions that is designed to provide at least 12 hours of activities. The program is structured to include work assignments, educational (vocational and academic) programs, counseling, behavior modification, military style drills, systematic discipline and other programmatic opportunities that will reduce inmate idleness and enhance the young inmate’s chance at becoming a law abiding citizen upon re-entry into the community.

(4) Inmate Management Plan (IMP) – refers to the individualized plan developed for each inmate based upon information collected from various risk and needs assessments and ICT decisions. The plan is used to make priority program or work placement recommendations, develop objectives and set timelines for accomplishments.

(5) Release Management Plan – refers to a report prepared by the Office of Community Corrections field office staff outlining information relative to the inmate’s proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.

(6) Sentence Modification – refers to an alteration or amendment by the court of the original sentence. The modification reduces the time to be served and imposes a term of probation, community control or other community sanctions, which, when added to the term of incarceration, will not exceed the length of the original sentence.

(7) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security and other necessary staff when appointed by the warden or designated by rule, which is responsible for making classification decisions at a facility and for making recommendations to the State Classification Office (SCO).

(8) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New _____.

33-506.103 Designation of Institutions for Youthful Offenders.

(1) through (4) No change.

(5) The following institutions are designated as youthful offender institutions:

(a) through (d) No change.

(e) Sumter Correctional Institution – male Basic Training Program;

(f) Lowell Florida Correctional Institution Women’s Unit – Basic Training Program ~~female youthful offenders.~~

(g) No change.

(h) Hendry Dade Correctional Institution Main Unit.

(i) Hernando Correctional Institution.

Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended _____.

33-506.106 Youthful Offender Program Participation.

(1) No change.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the Office of Institutions Chief of the Bureau of Program Services.

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody ~~by a youthful offender inmate~~ will result in an evaluation by the ICT to determine the inmate’s eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in s. 958.04(2)(d), F.S.

(a) After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. Disciplinary record;

2. Gain time earned, forfeited or withheld and reasons for the action taken;

3. Academic and vocational accomplishments;

4. Work assignments which would assist the youthful offender in obtaining future employment;

5. Counseling programs;

6. Substance abuse programs;

7. Other programs and objectives specifically recommended for the youthful offender; and

8. Verified R ~~release~~ placement plan prepared by probation and parole office staff which will should include proposed residence, ~~and~~ employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment.

9. Nature of offense and length of sentence

(b) The evaluation of the youthful offender’s eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and signed by the ICT and a

representative of the SCO warden who shall indicate his approval or disapproval of the recommendation based upon the evaluation prepared by the classification staff.

(c) Upon the approval of the ICT and SCO warden, the recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records Program Services to the central office screening committee who shall review the recommendation. If approved by the central office screening team, the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) for review. If the Deputy Director concurs with the recommendation for sentence modification, if the Office Chief of the Bureau of Classification Program Services approves the recommendation, he shall transmit forward a recommendation to the sentencing court for consideration. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.

Specific Authority 958.11(1) FS, Law Implemented 958.11, 958.12 FS, History-New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended _____.

33-506.203 Basic Training Program – Definitions.

(1) No change.

(2) Review Team – composed of a sergeant or above, drill instructor, and human services counselor, or alternates as designated by the warden. The purpose of the review team is to review inmate misconduct that may result in sanctions above the level of alternative training, or other such authority as defined in chapter 33-601.301-601.314. The authority of the review team to impose sanctions is specified in section 33-506.211(2).

(2)(3) Disciplinary Team – A team composed of the assistant warden for programs and the administrative lieutenant rotating as the chairperson for the hearing and a correctional probation officer, senior classification officer or classification officer as the second member of the team. The disciplinary team is made up of at least two staff persons, one of whom shall be a correctional probation officer, who will be responsible for conducting hearing disciplinary hearings reports.

(3) Drill Instructor – a basic training program staff member who provides instruction to inmates assigned to the basic training program in the areas of physical training, military drill and ceremony, and completion of the obstacle course.

(4) Human Services Counselor – a staff member assigned to the basic training program to provide group and individual counseling and instruction in social adjustment skills to the inmates in the basic training program. Shock Incarceration – a

training technique employed in the basic training program which utilizes intense physical training, military drill, verbally aggressive confrontation, and the immediate application of minor discipline. The intent of shock incarceration is to modify the behavior of youthful offenders and to avert long-term incarceration. The basic training program will be inclusive of the phases listed below:

(a) Phase I – will consist of an intensified military regimen not to exceed 60 days of active participation.

(b) Phase II – will consist of educational programming and personal development training provided within a quasi-military environment for a period not to exceed the length of sentence imposed by the sentencing court. Inmates will be required to participate successfully in Phase II of the Basic Training Program for a minimum of 60 days. The length of time that an inmate may participate in Phases I and II combined shall be no less than 120 days.

(c) Phase III – will consist of the offender's placement within a community residential facility to engage in gainful employment, pay restitution, participate in substance abuse programs, enroll in general education development or adult basic education classes as applicable.

(5) through (6) No change.

(7) Program Director – a basic training program staff member of the rank of correctional officer captain or above who is responsible for all aspects of the basic training program for program content, staff supervision, and inmate security and treatment.

(8)(7) No change.

(9) Review Team – refers to a team composed of a sergeant or above, drill instructor, and human services counselor. The purpose of the review team is to review inmate misconduct that may result in sanctions above the level of alternative training.

(10) Shock Incarceration – a training technique employed in the basic training program which utilizes intense physical training, military drill, verbally aggressive confrontation, and the immediate application of minor discipline. The intent of shock incarceration is to modify the behavior of youthful offenders and to avert long-term incarceration. The basic training program will be inclusive of the phases listed below:

(a) Phase I – will consist of an intensified military regimen not to exceed 60 days of active participation.

(b) Phase II – will consist of educational programming and personal development training provided within a quasi-military environment for a period not to exceed the length of sentence imposed by the sentencing court. Inmates will be required to participate successfully in Phase II of the Basic Training Program for a minimum of 60 days. The length of time that an inmate may participate in Phases I and II combined shall be no less than 120 days.

(c) Phase III – will consist of the offender's placement within a community residential facility to engage in gainful employment, pay restitution, participate in substance abuse programs, enroll in general education development or adult basic education classes as applicable.

~~(11)(8) No change.~~

~~(9) Program Director — a basic training program staff member of the rank of correctional officer captain or above who is responsible for all aspects of the basic training program, including but not limited to, program content, staff supervision, and inmate security and treatment.~~

~~(10) Drill Instructor — a basic training program staff member whose duties include, but are not limited to, the instruction of inmates in physical training, military drill and ceremony, and in completion of the obstacle course.~~

~~(11) Human Services Counselor — a staff member assigned to the basic training program to provide group and individual counseling and instruction in social adjustment skills to the inmates in the basic training program.~~

(12) Youthful Offender – refers to any person who is found guilty of or who has tendered a plea of nolo contendere or guilty to a crime that is a felony and such crime was committed before the inmate’s 21st birthday. The inmate must not have been previously classified as a youthful offender nor found guilty of a capital or life felony.

Specific Authority 958.04(4)(b), 958.045(1)(b) FS. Law Implemented 958.04, 958.045 FS. History—New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.003, Amended _____.

33-506.204 Basic Training Program Selection Process.

(1) In order to participate in the program, a youthful offender as defined by chapter 958, F.S. shall meet the following criteria:

(a) through (f) No change.

(g) Has no current or prior conviction for a sexual offense, including adjudication withheld;

(h) through (j) No change.

(2) After an inmate has met the above criteria, the classification officer at the time of reception will screen the youthful offender to determine if he or she meets the program eligibility criteria. If the inmate meets the criteria, the classification officer will advise the inmate and the Bureau of Classification and Central Records, Reception Services section. and if space is available in the program, The sentencing court shall be notified in writing by the Bureau of Classification and Central Records, Reception Program Services section of the Department of Corrections, requesting approval for the inmate to participate in the program. If the inmate is classified by the department as a youthful offender, the state attorney shall, at the same time, be notified that the inmate is being considered for placement in the basic training program. If the sentencing court disapproves the department's recommendation for the offender's placement in the basic training program, the offender shall be so notified and shall

complete incarceration pursuant to the terms of the commitment order. If the sentencing court approves the department's recommendation for the offender's placement in the basic training program, the offender shall be notified of assignment to the basic training program. Failure of the court to notify the department of approval for placement in the program within 21 days after receipt of the department's request shall be considered an approval by the court for placing the inmate in the basic training program.

(3) Program Assessment. Each inmate shall be required to participate in a satisfactory manner for a minimum of 120 days in order to successfully complete the program. The IMPT classification team shall continually assess the inmate's participation in the program and recommend that the inmate continue in the program for a specific number of days in order to repeat those days for which an overall unsatisfactory report was received. Failure to receive a satisfactory evaluation during the extended period will result in the removal of the inmate from the program pursuant to rule 33-506.211. Inmates who have successfully participated for the required time period, but who are awaiting release by the sentencing court or other releasing authority shall remain subject to the rules of the department and the basic training program. Failure to adhere to these rules may be grounds for removal from the program pursuant to rule 33-506.211. Documentation of successful program completion, recommendations for extension, or removal from the program shall be completed by the IMPT classification team and provided to the program director.

Specific Authority 958.04(4)(b), 958.045(1)(b) FS. Law Implemented 946.40, 958.04, 958.045 FS. History—New 2-26-89, Amended 11-2-90, 1-25-96, 10-23-97, Formerly 33-27.004, Amended _____.

33-506.206 Basic Training Program Operation.

(1) No change.

(2) Upon the approval of the ICT and SCO, the recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records for review by the central office screening team. If approved by the central office screening team, the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) for review. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a recommendation to the sentencing court for consideration. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision. Inmates who have satisfactorily completed the requirements of Phase II shall be released to a term of probation as specified by the sentencing court. The term of probation shall include release to community supervision or placement in a community residential facility as recommended by the youthful offender classification team and

~~approved by the program director. The program director will determine those inmates suitable for community residential placement based upon the inmate's employment, residence, family circumstances, and probation or post release supervision obligations. The term of placement within a community residential facility shall be determined by the sentencing court.~~

(3) The ~~IMPT classification team~~ shall develop an alternative post release program or plan within 30 days prior to release for those inmates who will not be placed in a community residential facility. The post release plan shall include ~~but not be limited to~~ the following pursuant to Rule 33-601.504, F.A.C.:

- (a) through (d) No change.
- (4) No change.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended _____.

33-506.207 Basic Training Program – Inmate Privileges and Restrictions.

Inmates in the basic training program shall have privileges normally afforded the general inmate population modified as set forth below:

- (1) through (2) No change.
- (3) Visiting.
 - (a) Phase I – Inmates will not be allowed visitation privileges ~~on specified graduation days only.~~
 - (b) through (c) No change.
 - (4) Telephone.

(a) Telephone calls are not permitted during Phase I of the basic training program, except as follows:

- 1. Verified family emergencies;
- 2. Calls to attorneys when there is a deadline and time constraints will not permit contact by mail.

(b) Telephone calls shall be permitted during Phase II of the basic training program as specified in Rule 33-602.205.

(5) Religious Practices.

(a) Every inmate will be afforded opportunities to participate in religious activities and programs that do not endanger the safe and secure operation of the institution.

(b) The human services counselor, the institutional chaplain and the program director will assess requests on a case by case basis for religious observances or practices not routinely available in the Basic Training Program.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.007, Amended _____.

33-506.208 Basic Training Program – Appearance and Hygiene.

- (1) Hair.

(a) Male ~~b~~Basic training program inmates will receive a military style haircut upon arrival in the program. Inmates will subsequently receive haircuts every two weeks for the duration of the program.

(b) Female basic training program inmates will be provided hair bands or hair clips to secure hair longer than collar length. Unsecured hair must be above collar length.

(2) Shaving. ~~Male ~~b~~~~Basic training program inmates shall be clean shaven. Inmates shall shave every day unless it is determined by the institutional physician that shaving would be detrimental to the inmate's health.

(3) Showers. Basic training program inmates shall shower at least once daily.

- (4) No change.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.008, Amended _____.

33-506.211 Basic Training Program – Discipline.

(1) Alternative Training. Any staff member of the basic training program, with the approval of the supervisor, has the authority to implement any of the following alternative training measures to individual inmates or groups of inmates assigned to the basic training program:

- (a) through (e) No change.
- (2) Review Team. In addition to the responsibilities specified in Rules 33-601.301-601.314, the review team is authorized to impose any alternative training procedures as well as any of the following disciplinary measures:

(a) Make program modification recommendations to the ~~IMPT classification team~~ for review and approval of the program director.

- (b) through (3) No change.

Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.012, Amended _____.

33-506.212 Removal from Basic Training Program.

(1) An inmate ~~can~~ shall be removed from the basic training program for health reasons, classification reassignment in accordance with chapter 33-601, F.A.C., modification or expiration of sentence or when such removal is in the best interest of the inmate or the security of the institution.

(2) Removal shall be recommended by the ICT who shall forward a teletype to the SCO. The inmate will be removed from the basic training program until the SCO has approved the removal.

(3) An inmate who has committed or threatened to commit violent acts will be terminated from the program and returned to general population in order to complete the remainder of his or her sentence.

(4) In all cases, the sentencing court or other releasing authority ~~and the Bureau of Program Services~~ shall be immediately promptly notified of the inmate's removal from the program.

Specific Authority 958.04(4)(b), 958.045(1)(b) FS. Law Implemented 944.09, 958.04, 958.045 FS. History--New 2-26-89, Amended 1-25-96, 10-23-97, Formerly 33-27.013, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers
RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify titles and procedures relating to inmate drivers. The effect is to clarify the title of the Department of Highway Safety and Motor Vehicles, clarify the titles of person who may authorize inmate operation of farm or other off-highway equipment, and clarify procedures relating to possession of equipment keys and commercial driver's licenses.

SUBJECT AREA TO BE ADDRESSED: Inmate drivers.

SPECIFIC AUTHORITY: 944.09, 945.091 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.605 Inmate Drivers.

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

(d) DHSMV DMV, where used herein, refers to the Department of Highway Safety and Motor Vehicles.

(e) Work Release Center (WRC), where used herein, refers to a facility where a community based transition program for approved minimum custody inmates prior to release from custody is conducted.

(2) through (5) No change.

(6) Obtaining licenses for non-licensed inmate drivers.

(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a WRC inmate driver, the classification officer shall contact the nearest DHSMV DMV Driver's License Office by telephone and arrange for the license examination.

(b) A correctional officer shall escort the inmate to DHSMV DMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.

(c) Routine fees for driver's examinations, licenses and renewals will be paid by the work release center where the inmate is assigned at the time the fee is incurred. Any additional costs to obtain a driver's license will be the financial responsibility of the inmate and will be paid directly to the DHSMV DMV Driver's License Office.

(d) Once the license is obtained, the correctional officer shall return with the inmate to the work release center, secure the driver's license in the control room and provide the classification officer with any paperwork received from DHSMV DMV for the inmate's file.

(7) through (9)(a) No change.

(b) Operation of a farm vehicle or other off-highway equipment must be approved in advance by the inmate's immediate supervisor and the warden.

(c) through (d) No change.

(e) The inmate will only be permitted to have custody of the equipment keys when he or she is operating the machinery. The inmate will be instructed to and must return the keys to the DC supervisor or non-DC supervisor (for squads not supervised by a DC employee) ~~correctional officer~~ for safe storage upon completion of the job assignment. Under no circumstances will equipment keys be left in the vehicle when not in use or when the vehicle is unattended.

(10) through (10)(a) No change.

(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. The license will be obtained as described in paragraph (6) of this rule. The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV DMV Driver's License Office.

(c) No change.

(d) An inmate will be authorized to retain his ~~driver's license and~~ CDL on his person only when necessary for that specific part of the program which requires driving. When not in use, the driver's license and the keys to the vehicle shall be returned to the instructor for safe storage. Under no circumstances will an inmate be permitted to complete the field training part of the program that occurs outside the parameters of an institution without proper supervision and the accompaniment of a skilled professional.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History--New 8-29-00, Amended.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose of the proposed rule is to correct relevant titles, provide and update forms, and clarify procedures relating to inmate substance abuse testing. The

effect is to provide definitions of relevant terms, clarify procedures for on-site testing of inmates by authorized personnel, clarify procedures relative to confirmation testing, correct titles, clarify the titles of persons in authority who may order testing, and clarify procedures relating to random drug testing.

SUBJECT AREA TO BE ADDRESSED: Inmate Substance Abuse Testing.

SPECIFIC AUTHORITY: 944.09, 944.472, 944.474 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.474 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.2045 Inmate Substance Abuse Testing.

The ~~Office of the Inspector General Bureau of Security and Institutional Operations~~ shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) Random Selection – A computerized random selection model utilized to obtain a sample of inmates to be tested for drugs or alcohol. ~~Every inmate in the custody of the department has an equal chance of being selected.~~

~~(b) Collector – a correctional officer who has been trained and certified by certified testing personnel or by other personnel who have been certified on the proper procedures for collecting, handling, and disposing of urine specimens, and on the procedures for completing the chain of evidence form.~~

~~(b)(e) Tester – a correctional officer who has been trained and certified by the manufacturer of the onsite testing device or certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, DC1-825, the handling and disposing of urine specimens and the administration and interpretation of the on-site testing device contractor or a master trainer to operate the drug testing equipment, and to review and certify test results. All testing personnel must be approved by the Office of the Inspector General. Form DC1-825 is incorporated by reference in Section (3)(g) of this rule.~~

~~(c)(d) No change.~~

~~(d)(e) Chain of Custody evidence Form, DC1-825 – the form used to document the identity and integrity of an inmate's specimen from time of collection until the specimen is prepared for shipment to a designated outside laboratory for confirmation testing, through specimen transport, testing, and reporting of results. Form DC6-217 is used for this purpose. This form will be provided by the laboratory conducting conformation tests on specimens that had a positive result on the on-site testing device.~~

~~(e)(f) Test refusal – failure on the part of an inmate to fully comply with the department's substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter his or her urine specimen with adulterants, as established by an on-site specimen validity testing device, and using substitute urine in makeshift devices or objects. Any inmate who refuses to comply with the testing process or fails to provide a valid specimen, within the specified time frames as stipulated in section (3)(b)8. and (3)(b)10., shall be given a disciplinary report in accordance with rules 33-601.301-601.314.~~

~~(f) Dry cell – refers to a secure cell without a water supply or one in which the water supply has been interrupted.~~

~~(g) Bashful Bladder (Avoidant Paruresis) – is a documented medical condition that prevents a person from urinating in the presence of another person or in a public facility.~~

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

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden ~~or~~ duty warden of the institution, or the correctional officer chief of the facility, or their designees, or the Office of the Inspector General the major of the community facility. An inmate ~~should only can~~ be tested for a ~~maximum~~ minimum of ~~four~~ three drugs on a for-cause basis, unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in 2.a. through c. below.

2. through 4. No change.

5. Upon approval of the warden, duty warden, correctional officer chief, or major their designees or the Office of the Inspector General, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of the ~~Incident R~~report, Form DC6-210, shall be attached to the facility's copy of the Chain of Custody evidence Form, DC1-825, for positive specimens sent to the laboratory for confirmation testing and both documents shall be immediately forwarded to the testing facility. DC6-210 is incorporated in Rule 33-602.210. DC1-825 is incorporated by reference in section (3)(g) of this rule.

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection

for substance abuse testing. The list will be electronically transmitted from the Offender Base Information System to the secure printer of the warden of each major institution or the correctional officer chief of the correctional facility and to the major of each community correctional center. Any facility that does not have a secure printer will have their respective list printed to a secure printer at another facility as designated by the warden of the institution or correctional officer chief of the facility. The list is considered confidential and shall not be disseminated to inmates or non-essential staff members prior to testing. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) No change.

(3) Procedures.

(a) Chain of Custody evidence.

1. At a minimum, the Cehain of Custody evidence Fform, DC1-825 DC6-217, must include inmate offender and tester eollector identification, initials by both the inmate and the tester eollector, date and time of collection, and type of test (i.e., random, for-cause or substance abuse treatment program) and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of evidence throughout the testing process.

2. The Cehain of Custody evidence Fform, DC1-825, DC6-217 allows for any comments by the tester eollector regarding any unusual observations. Any failure by the inmate to cooperate with the collection process, and the unusual nature (e.g., discolored urine or urine containing foreign objects) of any specimen provided shall be noted.

3. The tester eollector shall ensure that all collected urine specimens, being sent to a designated outside laboratory for confirmation testing, are properly labeled and sealed with a security evidence label as provided on the Chain of Custody Form, DC1-825. The tester eollector shall also ensure that the Cehain of Custody evidence Fform for all collected urine specimens is completed in accordance with procedures. One form can be used to accompany multiple urine specimens collected and transported together.

4. If an inmate is unable or unwilling to enter his or her initials on the Cehain of Custody evidence Fform, the tester eollector will make a notation in the comment section of the Cehain of Custody evidence Fform and leave the space blank. The tester eollector will not under any circumstances sign the Cehain of Custody evidence Fform for an inmate.

5. An entry shall be made on the chain of evidence form, DC6-217, each time the urine specimens are transferred to the custody of another individual.

(b) Specimen Collection Procedures.

1. The tester eollector shall ensure that all urine specimens are collected in accordance with procedures. All collections shall be performed under direct observation, where the tester eollector directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation by a tester eollector of the opposite sex from the inmate allowed.

3. The tester eollector shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name, DC number, and examination of picture identification card shall provide positive identification of the inmate selected for drug testing.

4. The tester eollector shall search the inmate to ensure that the inmate is not concealing any substances or materials that which could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

5. No change.

6. The tester eollector shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine specimen. The tester eollector shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.-

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the tester eollector shall again attempt to collect an adequate specimen. If the inmate cannot immediately submit another urine specimen, then the procedure outlined in 8. below for a claimed inability to provide a urine specimen shall apply.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the tester eollector or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period and an Acknowledgement of Beverage Form, DC1-823, should be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. The eollector shall note such failure to provide a specimen on the chain of evidence form, DC6-217. If an inmate claims an inability to urinate due to a "bashful bladder" condition, procedures set forth in (3)(c) shall apply. DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in Section (3)(g) of this rule.

9. After the inmate has voided a urine specimen into the cup, the tester will visually inspect the urine specimen to make sure that the specimen appears to be valid and unadulterated collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody. If the tester suspects that the specimen has been adulterated based upon observation, experience, or prior training, the tester will utilize the on-site specimen validity-testing device in front of the inmate following the manufacturer's testing protocols. If a positive result is received on the on-site specimen validity testing device indicating that the urine specimen was adulterated, the adulterated specimen will not be accepted as a valid specimen and will be discarded. The inmate will be required to submit a valid and unadulterated specimen. If the inmate cannot submit a valid and unadulterated specimen, then the procedure outlined below in section (3)(b)10. shall apply.

10. Inmates who have adulterated their urine specimen by ingesting substances, as established by the on-site testing device, shall be detained in the presence of the tester or placed in a "dry cell" for a period not to exceed two (2) hours. During that time, the inmate shall not be allowed to consume any water or other beverage. If, after the two hour period, an inmate still fails to submit an unadulterated valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that a valid, fresh, unadulterated urine specimen was provided. Urine specimens which are discovered to be obviously altered (e.g., discolored or containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

11. Once the tester has determined that the urine specimen is valid and unadulterated, the tester shall direct the inmate where to place the urine specimen so that the on-site test can be conducted. The specimen must be in view of the inmate throughout the entire testing process.

~~12.11-~~ If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

12. Once the urine specimen has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The collector shall instruct the inmate to place his

or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

(c) No change.

1. The inmate shall be informed that he or she will be placed in a dry holding cell until he or she can provide a valid urine specimen. The inmate shall be issued a hospital or other type privacy gown during the time that he or she is housed in the dry holding cell.

2. The inmate shall remove the contents of his or her pockets, and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the dry holding cell to prevent him or her from using any adulterants such as bleach or cleanser to alter his or her urine specimen.

3. The tester collector shall give the inmate a closed specimen cup with an identification label containing the inmate's name and DC number. The testing collecting officer shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry holding cell and an Acknowledgement of Beverage Form, DC1-823, shall be completed.

5. No change.

6. Upon receipt of the urine specimen that has been securely closed by the inmate, the tester collector shall visually inspect the urine specimen to ensure it appears valid and unadulterated and the procedures outlined in (3)(d)1. for the testing of urine specimens shall be followed attach a security evidence label across the lid of the sample cup under the inmate's observation. The inmate shall be instructed to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and that the specimen cup identification is correct.

(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment ~~operate the drug testing equipment.~~ For every on-site test conducted, regardless of purpose, the Inmate Scannable Drug Testing Control Card, DC1-826, will be filled out. Form DC1-826, the Inmate Scannable Drug Testing Control Card, is incorporated in section (3)(g) of this rule.

2. Certified testers shall follow collection procedures in (3)(b) examine each specimen prior to testing to ensure that the security evidence label is intact and that the specimen labeling and the chain of evidence form, DC6-217, is in proper order. In the event that the tamper-evident seal is damaged or the chain of evidence form is incomplete, the tester shall not test those urine specimens.

3. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols. Any specimens found to be positive upon initial

testing shall be re-tested at the department testing facility that day with a fresh aliquot of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

4. After the tester has taken a sample of urine from the specimen cup for the on-site testing device, the inmate shall be directed to close the cup tightly. When a urine specimen's initial test results are positive, the tester shall follow the following procedures:

a. After double-checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.

b. If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.

e. If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results on the Inmate Scannable Drug Testing Control Card, DC1-826, and the OBIS printout. The tester will then dispose of the remaining specimen, specimen cup and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign an Affidavit for Admission of Drug Use, DC1-824. Form DC1-824, Affidavit for Admission of Drug Use, is incorporated by reference in section (3)(g) of this rule.

a. If the inmate chooses to sign the Affidavit for Admission of Drug Use, DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed into administrative confinement and a disciplinary report written. The signed Affidavit for Admission of Drug Use, DC1-824, will be attached to the disciplinary report to be used as evidence in the disciplinary report hearing.

b. The testing officer will complete the Inmate Scannable Drug Testing Control Card, DC1-826, indicating the positive results of the on-site testing device.

c. If the inmate does not sign the Affidavit for Admission of Drug Use, DC1-824, the following steps shall be taken:

i. Once the urine specimen has been securely closed by the inmate, the tester shall attach a security seal from the Chain of Custody Form, DC1-825, across the lid of the sample cup under the inmate's observation.

ii. The tester shall instruct the inmate to place his or her initials on the Chain of Custody Form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

iii. The tester shall then prepare the urine specimen for shipment, by a commercial carrier, to the designated outside laboratory for confirmation testing.

iv. Inmates with positive test results on the on-site testing device shall immediately be placed in administrative confinement pending investigation until results of the confirmation test are received.

7. Once received from the outside laboratory, the confirmation testing results will be entered onto the respective Inmate Scannable Drug Testing Control Card. If the confirmation testing results are positive, a copy of the results will be attached to the disciplinary report for use as evidence during the disciplinary hearing.

(e) Other On-site testing device procedures of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign the Affidavit for Admission of Drug Use Form, DC1-824, then a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in section (3)(b), specimen collection procedures, and section (3)(d), testing of urine specimens. Specimen collection procedures. Collectors shall follow collection procedures in (3)(b), with the exception that a security evidence label shall not be placed on the lid of the cup unless the specimen is found to be positive.

2. Testing procedures. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols:

a. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

b. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

3. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen,

specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

~~4. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (3)(b) for a verification urine drug test. Inmates with positive test results on the initial on-site test shall immediately be placed in administrative confinement pending investigation until a second test is conducted pursuant to (3)(d) and results are obtained.~~

~~2.5.~~ All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC6-237, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC6-237, Reasonable Suspicion Testing Tracking Form, is incorporated by reference in section (3)(g) of this rule.

(f) Record keeping. Each ~~testing~~ facility shall keep all records pertaining to the testing program. This includes the drug testing list and results, Chain of Custody evidence documentation forms, laboratory confirmation reports and inventory control logs ~~hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records.~~ All records shall be kept in accordance with state law and rules regarding retention of records.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 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.~~

1. Form DC1-823, Acknowledgement of Beverage, effective date _____. ~~Form DC6-217, Chain of Evidence, effective date February 8, 2000.~~

2. Form DC1-824 Affidavit for Admission of Drug Use, effective date _____.

3. Form DC1-825, Chain of Custody, effective date _____.

4. Form DC1-826, Inmate Scannable Drug Testing Control Card, effective date _____.

~~2.~~ Form DC6-237, Reasonable Suspicion Testing Tracking Form, effective date February 8, 2000.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Flow, rainfall, and phosphorus sample data representing the C-139 Basin for the period of October 1, 1978 through April 30, 2000. Specifically the sources of the data and potential problems and inconsistencies with the data, and any alternative proposals. Please be advised this meeting will be limited to issues related to the data and will be highly technical in nature. Other provisions of the proposed rule language will not be addressed. SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., October 10, 2000

PLACE: Storch Room, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randy McCafferty, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6740 or (561)682-6740 (e-mail rmccaffe@sfwmd.gov)

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE: Approved Forms
RULE NO.: 60S-9.001
PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of one new form and five revised forms related to Florida Retirement System participation, service credit, and benefits. The new form is to be used as a method for auditing benefit recipients. The amended forms are being adopted to accommodate workflow recommendations of the Division of Retirement's Reengineering, Improvement and Modernization (RIM) project, and to clarify the information requested.

SUBJECT AREA TO BE ADDRESSED: Form SAPS is a new form to be sent to recipients of retirement benefits whose addresses are within the United States to determine if they are still living and entitled to receive the benefits. The member's name and social security number will be electronically printed on the form prior to mailing. Form SMSD-1 is being revised by adding a statement clarifying the required digits in the employee's position number. Form FR-13 is being revised to add a section for designation of beneficiaries. Form HIS-1 is being revised because of a change in acceptable insurance coverage and in the return mail address, and to clarify information provided to the applicant regarding the Health Insurance Subsidy program. Form AAPS is to be sent to recipients of retirement benefits whose addresses are outside the United States to determine if they are still living and entitled to receive the benefits. The form is being changed to conform to the Division's revised forms format, which includes changing the notary section and deleting the request for the member's name and social security number, which will be electronically printed on the form prior to mailing. Form DP-PAYT is being revised to clarify the IRS rule regarding after-tax contributions, to allow for electronic calculation of the selected payout method, and to change the return mail address.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.055, 121.091 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., October 9, 2000

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY RULE TEXT IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Pari-Mutuel Wagering Racing and Game Officials
RULE NO.: 61D-2.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes, which grant permitholders the authority to designate racing officials.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes, which is necessary to ensure the integrity of the industry.

SPECIFIC AUTHORITY: 550.0251(3),(11), 550.105(2)(c), (4)(b),(9), 550.2415(13), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 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. – 4:00 p.m., October 10, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Hearings Before Stewards/Judges
RULE NO.: 61D-3.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes, which grant authority to Division stewards and judges to hear disciplinary matters.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to maintain disciplinary control over the industry.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.1155 FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155 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. – 4:00 p.m., October 10, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Prohibitions **RULE NO.:** 61D-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes, which prohibit certain activities within licensed cardrooms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is interpretation of Florida Statutes, which is necessary to ensure the integrity of the activities taking place in licensed cardrooms.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4),(8),(12) FS.

LAW IMPLEMENTED 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., October 10, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Citations **RULE NO.:** 61G19-5.006

PURPOSE AND EFFECT: The Board proposes to amend the citation fine for specifically designated violations to conform to statute provisions.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 455.228, 468.606 FS.

LAW IMPLEMENTED: 455.224, 455.228, 468.621, 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-5.006 Citations.

In lieu of the disciplinary procedures contained in Section 455.225, Florida Statutes, the Department is hereby authorized to dispose of any violations designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The Board shall issue a citation imposing a \$500.00 ~~\$50.00~~ fine per occurrence for the following violations:

- (1) through (3) No change.

Specific Authority 455.224, 455.228, 468.606 FS. Law Implemented 455.224, 455.228, 468.621, 468.627 FS. History—New 5-23-94, Amended 12-6-95, 12-7-97, 4-5-98,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Voluntary Certification Categories RULE NO.: 61G19-6.016

PURPOSE AND EFFECT: To adopt recommendations from the Florida Building Commission.

SUBJECT AREA TO BE ADDRESSED: Voluntary certification categories.

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created. All specialty licenses require a standard certification.

(1) through (4) No change.

(5) Modular Inspector.

(a) Modular Inspector means a person who is qualified to inspect and determine that modular buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws. A person shall be entitled to take the examination for certification as a modular inspector if the person has three (3) years experience as an inspector with local government and/or state government. ~~As an alternative the applicant must have~~ or three years experience as an inspector with an independent inspection/plans review agency under contract with a state agency.

(b) Responsibilities: Verify ~~that~~ the state approved plans are in the factory. Assure ~~that~~ the buildings being manufactured comply with the approved plans and applicable codes. Compare the approved plans to the modular building and identify any deviations. Determine the reason for the deviations and investigate repetitive deviations in other buildings. Discuss the deviations with the in-plant quality control supervisor and establish a procedure to resolve the deviations ~~them~~. Verify ~~that~~ the appliances and equipment

installed in the building are consistent with those identified in the quality control manual. Verify the data plats have all the information as required for the data plat in Chapter 9B-1, Florida Administrative Code. Assure the state insignia is affixed to the correct ~~right~~ building. The modular inspector shall monitor quality control procedures to verify the in-plant quality control personnel are conducting quality control reviews at the proper times. The modular inspector shall notify the Department of Community Affairs contracted inspection agency of any problems with the in-plant quality control procedures. Notify his/her supervisor of ongoing problems with the in-plant quality control programs, and the inspector's supervisor shall notify the Department of Community Affairs. The inspector shall follow-up on quality control procedures to verify that the in-plant quality control inspector is making the inspection of the buildings at the proper time.

(6) through (7) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE CHAPTER TITLE: Training Programs for Standard Certification RULE CHAPTER NO.: 61G19-7

PURPOSE AND EFFECT: The Board proposes to promulgate rules to set forth criteria for the development and implementation of training programs.

SUBJECT AREA TO BE ADDRESSED: Training programs for standard certification.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.606 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-48R

RULE CHAPTER TITLE: Permits RULE CHAPTER NO.: 62-4

RULE TITLES:
 Transfer of Permits
 Scope of Part III

RULE NOS.:
 62-4.120
 62-4.510

PURPOSE AND EFFECT: The Department is proposing amendments to Florida Administrative Code Chapter 62-4 to cross-reference Florida Administrative Code Chapters 62-210 and 62-213 for air general permit procedures and Florida Administrative Code Rule 62-210.300 for transfer of air permits.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect air general permits and air facilities undergoing change of ownership.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088, 403.814(1) FS.

LAW IMPLEMENTED: 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a),(13),(14), (15),(16), 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088, 403.814, 403.702-.73, 403.851-.864 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, October 10, 2000
PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-37R

RULE CHAPTER TITLE: Stationary Sources –
 General Requirements

RULE CHAPTER NO.:
 62-210

RULE TITLE: Notification Forms for Air General Permits

RULE NO.: 62-210.920

PURPOSE AND EFFECT: The Department is proposing to amend the air general permit rule and the notification forms for air general permits to incorporate general conditions for all non-Title V air general permits. A new air general permit for rock crushing units is also being proposed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect air general permits.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, October 10, 2000
PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-41R

RULE CHAPTER TITLE: Operation Permits for Major Sources
 of Air Pollution

RULE CHAPTER NO.:
 62-213

RULE TITLES: Title V Air General Permits
 Permit Review by EPA and Affected States
 Permit Shield

RULE NOS.: 62-213.300
 62-213.450
 62-213.460

PURPOSE AND EFFECT: The Department is proposing rule amendments to add a reference to Florida Administrative Code Rule 62-210.300 for Title V General Permit change of ownership, to notify the Title V air permit applicant of the date when a proposed permit has been forwarded to the Environmental Protection Agency and to clarify when a permit shield goes into effect.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Title V air permitting procedures.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, October 10, 2000
PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-79R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements for Sources Subject to 62-214
the Federal Acid Rain Program

RULE TITLE: RULE NO.:

Acid Rain Compliance Plan and 62-214.330
Compliance Options

PURPOSE AND EFFECT: The Department is proposing to amend the current rule language involving multi-jurisdictional compliance averaging plans to allow submission of a schedule for obtaining approvals from other states involved in such plans.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment would affect certain sources subject to the federal acid rain program.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, October 10, 2000

PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 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: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NUMBER: 00-46R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

State Revolving Fund Loan Program 62-504
for Stormwater Facilities

PURPOSE AND EFFECT: The rule revision to be developed would address the requirements for funding stormwater management systems under the State Revolving Fund Loan Program. The Program provides financial assistance in the form of low-interest loans to local governments for planning, design, construction, and technical services associated with construction and start-up of facilities. Applicable funding requirements would be established for different sources of program capitalization, including the proceeds of a bond sale. The program is authorized by Section 403.1835, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: State Revolving Loan Fund Program Rules for loans for stormwater management facilities.

SPECIFIC AUTHORITY: 403.1835 FS.

LAW IMPLEMENTED: 403.1835 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don Berryhill, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Board of Acupuncture

RULE TITLE: RULE NO.:

Definitions 64B1-9.006

PURPOSE AND EFFECT: This proposed rule clarifies terms used in 457.116(1)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Defining Doctor of Oriental Medicine, commonly abbreviated as D.O.M.

SPECIFIC AUTHORITY: 457.102(1), 457.104, 457.105, 457.116(1)(b) FS.

LAW IMPLEMENTED: 457.102(1), 457.116(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., December 1, 2000

PLACE: AHCA, Board of Acupuncture, 4042 Bald Cypress Way, Bin #CO6, Tallahassee, FL 32399-3256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penny Perkins, Board of Acupuncture, (850)245-4162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-9.006 Definitions.

Doctor of Oriental Medicine, which may be abbreviated as D.O.M., is a professional designation for any person licensed as provided in this Chapter 457 to practice acupuncture and oriental medicine and modern oriental medical techniques as a primary health care provider and is not a claim that such licensee possesses an academic degree other than as provided in Chapter 457.105(2)(b), F.S., and the rules as adopted by the Board of Acupuncture.

Specific Authority 457.102(1), 457.104, 457.105, 457.116(1)(b) FS. Law Implemented 457.102(1), 457.116(1)(b) FS. History--New

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases
 RULE NO.: 64B2-16.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the guidelines for the disposition of disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.624, 460.405, 460.413, 455.627 FS.

LAW IMPLEMENTED: 455.624, 460.413(4), 455.627 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., or shortly thereafter on October 13, 2000

PLACE: The Marriott North, 6650 N. Andrews Avenue, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda
 RULE NO.: 64B3-1.008

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda.

SPECIFIC AUTHORITY: 455.534, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 455.534 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-1.008 Quorum; Meetings; Board Meetings: Notice of Meetings; Agenda.

(1) No change.

(2) The Board shall hold such meetings during the year as necessary, including an annual meeting ~~held in January~~ at which the chairperson and vice-chairperson shall be elected from the membership and shall serve for a term of one year. The chairperson or a quorum of the Board shall have authority to call other meetings.

(3) through (7) No change.

Specific Authority 455.534, 483.805 FS. Law Implemented 286.0105, 455.534 FS. History--New 3-15-93, Formerly 21KK-1.008, 61F3-1.008, Amended 2-7-95, Formerly 59O-1.008, Amended

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Supervisor
 RULE NO.: 64B3-5.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Supervisor.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to Rule 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have four hours of Board approved HIV/AIDS continuing education and one of the following:

(a) an earned doctoral degree in medical technology or a clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought.

(b) a masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, one (1) year of which shall be post masters.

(c) a baccalaureate degree in clinical laboratory sciences, one of the licensure categories, or one of the chemical or biological sciences, and five (5) years of pertinent clinical laboratory experience in the categories for which licensure is sought two (2) years of which shall be post baccalaureate, including a minimum of one (1) year in each category for which licensure is sought.

(d) in the categories of cytogenetics, cytology, histology, and radioassay, the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.

(e) for the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five (5) years of pertinent clinical laboratory experience and be licensed as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

(f) for the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed as a clinical laboratory technologist and have five (5) years of pertinent clinical laboratory experience in cytology. Prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

~~(g)(f)~~ in lieu of one year of experience required by Rule 64B3-5.002(2)(a), F.A.C., an applicant may substitute Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, or American Board of Medical Laboratory Immunology.

(2) through (3) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99,

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Manner of Application
 RULE NO.: 64B3-6.001
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 455.564, 483.805(4) FS.

LAW IMPLEMENTED: 455.564, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.001 Manner of Application.

(1) through (4) No change.

(5) Under the Federal Privacy Act, disclosure of a social security number is mandatory ~~voluntary~~. They are requested pursuant to Sections 455.521(9), 409.2577 and 409.2598, Florida Statutes, and are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

(6) No change.

Specific Authority 455.564, 483.805(4) FS. Law Implemented 455.564, 483.815, 483.823 FS. History—New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 590-6.001, Amended 8-27-97, 9-20-98, 1-5-00,

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Requirements for Continuing Education Providers
 RULE NO.: 64B3-11.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Requirements for Continuing Education Providers.

SPECIFIC AUTHORITY: 455.587(4), 455.564(7), 483.821, 483.805(4) FS.

LAW IMPLEMENTED: 455.587(4), 455.564(7), 483.821 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.003 Requirements for Continuing Education Providers.

Providers seeking Board approval shall meet the following requirements:

- (1) through (5) No change.
- (6) Providers shall furnish each participant with an authenticated certificate or letter of attendance which shall include the applicant's name, license number, course title, number of contact hours earned, dates of attendance, program provider's name, specialty area, and the signature of the provider and instructors signature.

Specific Authority 455.587(4), 455.564(7), 483.821, 483.805(4) FS. Law Implemented 455.587(4), 455.564(7), 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 590-11.003, Amended 12-13-99,

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B3-12.001

PURPOSE AND EFFECT: The purpose for the development is to provide updated violations and penalty ranges relating to disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.624, 455.627, 483.805(4), 483.825, 483.827 FS.

LAW IMPLEMENTED: 455.624, 455.627, 483.825, 483.827 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B3-12.001 follows. See Florida Administrative Code for present text.)

64B3-12.001 Disciplinary Guidelines.

(1) Purpose. The Board provides within this rule, disciplinary guidelines which shall be imposed upon applicants, registrants, or licensees whom it regulates under Chapter 483, F.S. The purpose of this rule is to notify applicants, registrants, and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants, registrants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, registrants, or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range of corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

<u>VIOLATION</u>	<u>PENALTY RANGE</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board.</u> <u>(468.825(1), 455.624(1)(h), F.S.)</u>	<u>Denial/revocation with no ability to reapply and \$1000 fine</u>	<u>Denial/revocation with no ability to reapply and \$3000 fine</u>
<u>First Offense</u>		

<u>Second Offense</u>	<u>Revocation with no ability to reapply and \$3000 fine</u>	<u>Revocation with no ability to reapply \$6000 fine</u>	<u>(e) Guilt of a crime directly relating to practice or ability to practice.</u> <u>(468.825(5), F.S.)</u>		
<u>Third Offense</u>	<u>Revocation with no ability to reapply and \$6000 fine</u>	<u>Revocation with no ability to reapply and \$10,000 fine</u>	<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>(b) Deceptive, untrue, or fraudulent representations in the entitlement to perform any clinical laboratory procedure or category of procedures not authorized by license.</u> <u>(468.825(2), 455.624(1)(a), F.S.)</u>			<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
			<u>(f) Having been adjudged mentally or physically incompetent.</u> <u>(468.825(6), F.S.)</u>		
<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$2000 fine</u>	<u>First Offense</u>	<u>1 year suspension, 1 year probation with conditions, and \$1000 fine</u>	<u>2 years suspension, 2 years probation with conditions or denial and \$5000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$2000 fine</u>	<u>Revocation and \$4000 fine, without ability to reapply</u>	<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$6000 fine, without ability to reapply</u>	<u>(g) Violating or aiding and abetting in the violation of any statutory or regulatory requirements relating to the performance of clinical laboratory procedures.</u> <u>(468.825(7), 455.624(1)(D), F.S.)</u>		
<u>(c) Malpractice.</u> <u>(468.825(3), F.S.)</u>			<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>
<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions or denial and \$5000 fine</u>	<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$10,000 fine</u>	<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>	<u>(h) Reporting a test result when no laboratory test was performed on a clinical specimen.</u> <u>(468.825(8), F.S.)</u>		
<u>(d) Performing a test and rendering a report to a person not authorized to receive such services.</u> <u>(468.825(4), F.S.)</u>			<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>First Offense</u>	<u>Reprimand and \$100 fine</u>	<u>Reprimand and \$1000 fine</u>	<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1500 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$3000 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$1000 fine</u>	<u>6 months probation with conditions and \$3000 fine</u>			
<u>Third Offense</u>	<u>6 months probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>			

<p><u>Third Offense</u></p> <p><u>1 year suspension, 2 years probation with conditions and \$3000 fine</u></p>	<p><u>Revocation and \$5000 fine</u></p>	<p><u>ability to practice with reasonable skill and safety</u></p>
<p>(i) <u>False, deceptive, or misleading advertising.</u> (468.825(9), F.S.)</p>		
<p><u>First Offense</u></p>	<p><u>Reprimand</u></p>	<p><u>6 months suspension and \$250 fine</u></p>
<p><u>Second Offense</u></p>	<p><u>6 months suspension and \$250 fine</u></p>	<p><u>9 months suspension and \$500 fine</u></p>
<p><u>Third Offense</u></p>	<p><u>9 months suspension and \$500 fine</u></p>	<p><u>1 year suspension \$1000 fine</u></p>
<p>(j) <u>Failure to report the Board of action taken against license by another jurisdiction within 30 days of that action.</u> (468.825(10)(11), 455.624(1)(f), F.S.)</p>		
<p><u>First Offense</u></p>	<p><u>Imposition of discipline which would have been if the substantive violation occurred in Florida and \$1000 fine</u></p>	<p><u>Suspension/denial until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$1000 fine. Impaired practioners working in Florida may be ordered into the PRN.</u></p>
<p><u>Second Offense</u></p>	<p><u>Imposition of discipline which would have been if the substantive violation occurred in Florida and a \$1500 fine</u></p>	<p><u>Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine. Impaired practioners working in Florida may be ordered into the PRN.</u></p>
<p>(k) <u>Inability to perform clinical laboratory examinations with reasonable skill and safety.</u> (468.825(12), F.S.)</p>		
<p><u>First Offense</u></p>	<p><u>Submit to mental/physical examination and impose conditions on practice</u></p>	<p><u>Submit to mental/physical examination and suspension until able to demonstrate</u></p>
<p>(l) <u>Delegation of professional responsibilities to unqualified person.</u> (468.825(13), 455.624(1)(p), F.S.)</p>		
<p><u>First Offense</u></p>	<p><u>1 year probation with conditions and \$1000 fine</u></p>	<p><u>1 year suspension, 1 year probation with conditions and \$3000 fine</u></p>
<p><u>Second Offense</u></p>	<p><u>1 year suspension, 1 year probation with conditions and \$3000 fine</u></p>	<p><u>2 years suspension, 2 years probation with conditions and \$6000 fine</u></p>
<p><u>Third Offense</u></p>	<p><u>2 years suspension, 2 years probation with conditions and \$6000 fine</u></p>	<p><u>Revocation and \$10,000 fine</u></p>
<p>(m) <u>Failure to perform legal obligation.</u> (468.825(14), 455.624(1)(k), F.S.)</p>		
<p><u>First Offense</u></p>	<p><u>Reprimand and \$100 fine</u></p>	<p><u>6 months probation with conditions and \$100 fine</u></p>
<p><u>Second Offense</u></p>	<p><u>6 months probation with conditions and \$100 fine</u></p>	<p><u>6 months suspension, 1 year probation with conditions and \$500 fine</u></p>
<p><u>Third Offense</u></p>	<p><u>6 months suspension, 1 year probation with conditions and \$500 fine</u></p>	<p><u>Revocation and \$1000 fine</u></p>
<p>(n) <u>Violation of law, rule, order, order of the Board, or failure to comply with subpoena.</u> (468.825(14), 455.624(1)(q), F.S.)</p>		

First Offense Suspension until law, rule, order, or subpoena complied with and \$500 fine Revocation and \$1500 fine

Second Offense 1 year suspension, 1 year probation with conditions and \$1500 fine Revocation and \$5000 fine

First Offense 1 year probation with conditions and \$1000 fine 1 year suspension, 2 years probation with conditions or denial and \$5000 fine

Second Offense Revocation and \$5000 fine Revocation and \$10,000 fine

(o) Failure to report another licensee in violation.
(468.825(15), 455.624(1)(I), F.S.)

First Offense Reprimand Reprimand and \$100 fine

Second Offense Reprimand and \$100 fine 6 months probation with conditions and \$500 fine

Third Offense 6 months probation with conditions and \$500 fine 6 months probation with conditions and \$1000 fine

(s) Practicing beyond scope permitted.
(468.825(19), 455.624(1)(o), F.S.)

First Offense Reprimand and \$500 fine 6 months suspension, 6 months probation with conditions or denial and \$1500 fine

Second Offense 6 months suspension, 6 months probation with conditions and \$1500 fine 1 year suspension, 1 year probation with conditions and \$3000 fine

Third Offense 1 year suspension, 1 year probation with conditions and \$3000 fine Revocation and \$5000 fine

(p) Filing a false report or failing to file a report as required.
(468.825(16), 455.624(1)(I), F.S.)

First Offense 1 year probation with conditions and \$100 fine 6 months suspension, 1 year probation with conditions and \$250 fine

Second Offense 6 months suspension, 1 year probation with conditions and \$250 fine Revocation and \$500 fine

Third Offense 1 year suspension, 2 years probation with conditions and \$500 fine Revocation and \$1000 fine

(t) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(468.825(20),(21) 455.624 (1)(r), F.S.)

First Offense 6 months probation with conditions and \$1000 fine 6 months suspension, 1 year probation with conditions and \$2000 fine

Second Offense 6 months suspension, 1 year probation with conditions and \$2000 fine 1 year suspension, 2 years probation with conditions and \$4000 fine

Third Offense 1 year suspension, 2 years probation with conditions and \$4000 fine Revocation and \$10,000 fine

(q) Kickbacks or split fee arrangements.
(468.825(17), F.S.)

First Offense 6 months suspension, 1 year probation with conditions and \$500 fine Denial/revocation and \$1000 fine

Second Offense 1 year suspension, 2 years probation with conditions and \$1000 fine Revocation and \$2500 fine

Third Offense 2 years suspension, 3 years probation with conditions and \$2500 fine Revocation and \$5000 fine

(u) Exercising influence to engage patient in sex.
(468.825(22), F.S.)

First Offense 1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine Denial/revocation and \$7500 fine

Second Offense Revocation and \$7500 fine Revocation and \$10,000 fine

(r) Exercising influence on patient for financial gain.
(468.825(18), 455.624(1)(n), F.S.)

(v) Intentionally violating any rule adopted by the board or the department as appropriate.
(455.624(1)(b), F.S.)

<u>First Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>
<u>Second Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(w) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice a licensee's profession.
(455.624(1)(c), F.S.)

<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>

(z) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
(455.624(1)(m), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(x) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
(455.624(1)(c), F.S.)

<u>First Offense</u>	<u>Reprimand and meet the educational requirements</u>	<u>6 months probation with conditions, meet the educational requirements and \$100 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions, meet the educational requirements and \$100 fine</u>	<u>1 year probation with conditions, meet the educational requirements and \$500 fine</u>
<u>Third Offense</u>	<u>1 year probation with conditions, meet the educational requirements and \$500 fine</u>	<u>2 years probation with conditions, meet the educational requirements and \$1000 fine</u>

(aa) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(455.624(1)(r), F.S.)

<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(y) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
(455.624(1)(g), F.S.)

(bb) Engaging or attempting to engage a patient in verbal or physical sexual activity.
(455.624(1)(u), F.S.)

<u>First Offense</u>	<u>1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine</u>	<u>Denial/revocation and \$7500 fine</u>
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(c) Failure to notify the Department of a change of address within sixty days.

(d) Failure to respond to a continuing education audit.

(5) through (6) No change.

Specific Authority 455.617(1),(2), 483.805(4), 483.827 FS. Law Implemented 455.617(1),(2), 483.827 FS. History--New 8-3-93, Formerly 61F3-12.002, 590-12.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Responsibilities of Technologists
 RULE NO.: 64B3-13.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of Technologists.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.003 Responsibilities of Technologists.

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

(j) In the specialty of Cytology, in addition to the above responsibilities, the technologist shall:

1. Document slide interpretation results of each gynecologic and nongynecologic cytology case he or she examined or reviewed as specified in Rule Chapter 59A-7, F.A.C., and the clinical laboratory's policies and procedure.

2. Documents for each 24 hours period the total number of slides examined or reviewed.

3. Document the number of hours spent examining slides in each 24 hour period.

4. When affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "CT" to designate Cytotechnologist immediately following their name or signature if holding a current Florida license in the specialty of Cytology. The holder of temporary licensure must use the designation "GCT" to designate Graduate Cytotechnologist until such time as licensure is granted by the Board.

~~(k) In the specialties of Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Blood Banking, and Immunohematology shall, when affixing their name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "MT" to designate Medical Technologist immediately following their name or signature if holding a current Florida license in any one or more of these specialties. The holder of temporary licensure must use the designation "GMT" to designate Graduate Medical Technologist until such time as licensure is granted by the Board.~~

~~(l) In the specialty of Histology, when affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "HT" to designate Histotechnologist immediately following the name or signature if holding a current Florida license in the specialty of Histology. The holder of temporary licensure must use the designation "GHT" to designate Graduate Histotechnologist until such time as licensure is granted by the Board.~~

~~(m) In the specialties of Blood Gas and Radioassay shall when affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "ST" to designate Specialist Technologist immediately following the name or signature if holding a current Florida license in these specialties. The holder of temporary licensure must use the designation "GST" to designate Graduate Specialist Technologist until such time as licensure is granted by the Board.~~

~~(n) In the specialty of Cytogenetics shall, when affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "CGT" to designate Cytogenetics Technologist immediately following the name or signature if holding a current Florida license in this specialty. The holder of temporary licensure must use the designation "GCGT" to designate Graduate Cytogenetics Technologist until such time as licensure is granted by the Board.~~

~~(o) In the specialty of Histocompatibility, shall, when affixing their name or signature to any laboratory record or patient report, indicate their professional status by adding the designation "CHT" to designate Histocompatibility Technologist immediately following their name or signature if holding a current Florida licensure in this specialty. The holder of temporary licensure must use the designation "GCHT" to designate Graduate Histocompatibility Technologist until such time as licensure is granted by the Board.~~

Specific Authority 483.805(4), 483.823 FS. Law Implemented 438.800, 483.813, 483.823, 483.825 FS. History--New 12-6-94, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-13.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Rule Governing Licensure and Inspection 64B8-51.006
of Electrology Facilities

PURPOSE AND EFFECT: To set forth the criteria regarding safety and sanitary requirements of electrolysis facilities wherein laser equipment is used.

SUBJECT AREA TO BE ADDRESSED: Rule governing licensure and inspection of electrology facilities.

SPECIFIC AUTHORITY: 455.711, 455.712, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 478.49, 455.711, 455.712(2),(3),(5), 478.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 4050 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: RULE NO.:

Disciplinary Guidelines; Range of 64B10-14.004
Penalties; Aggravating and
Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if changes are necessary to update the rule text for disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 455.627(1), 468.1685(1) FS.

LAW IMPLEMENTED: 455.627, 468.1685(4),(5),(6) 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., or shortly thereafter on November 10, 2000

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: RULE NO.:

Reactivation of Inactive License 64B10-13.300

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if changes are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Reactivation of inactive license.

SPECIFIC AUTHORITY: 455.711, 468.1685(1), 468.1725(2) FS.

LAW IMPLEMENTED: 455.711, 468.1725 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., or shortly thereafter on November 10, 2000

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:

Examination 64B19-11.001

PURPOSE AND EFFECT: To address the scores of persons who have taken or take the written exam rather than the computerized exam.

SUBJECT AREA TO BE ADDRESSED: Examination.

SPECIFIC AUTHORITY: 455.574(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 455.574(1)(b),(c),(d), 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howard, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.001 Examination.

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards.

(b) No change.

(c) The minimum passing score on EPPP shall be 70% correct of the items scored on the examination prior to the October 2000 examination. The minimum passing score on EPPP for the October 2000 examination and thereafter shall be the ASPPB recommended cut-off score. Examination security shall be maintained in compliance with Rule 64B-1.010.

(2) through (4) No change.

Specific Authority 455.574(1)(b),(c), 490.004(4) FS. Law Implemented 455.574(1)(b),(c),(d), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reexamination Fee

RULE NO.: 64B19-12.003

PURPOSE AND EFFECT: The Board has deemed it necessary to amend a portion of the reexamination fees.

SUBJECT AREA TO BE ADDRESSED: Reexamination fee.

SPECIFIC AUTHORITY: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(2), 455.564(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-12.003 Reexamination Fee.

(1) No change.

(2) The reexamination fee for the first part of the examination is ~~\$380.00~~ \$365.00.

(3) No change.

Specific Authority ~~456.017(2)~~ 490.004(4), ~~455.564(2)~~ FS. Law Implemented ~~456.017(2)~~ 455.564(2) FS. History—New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation Fee and Change of Status Fee

RULE NO.: 64B19-12.006

PURPOSE AND EFFECT: To comply with new statute provisions passed by the 2000 Legislature, and improve the clarity of the rule language.

SUBJECT AREA TO BE ADDRESSED: Reactivation fee and change of status fee.

SPECIFIC AUTHORITY: 455.711(4) FS.

LAW IMPLEMENTED: 455.711, 455.587, 455.711(4),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howard, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-12.006 Reactivation Fee and Change of Status Fee.

The fee for reactivation of an inactive license is \$50.00. Upon any change of status, a \$50.00 change of status fee shall be charged if reactivation is applied for during the biennial renewal period. If reactivation is applied for at any other time, an additional \$50 shall be added. Such fee(s) shall be in addition to the biennial licensure fee as prescribed in Rule 64B19-12.005.

Specific Authority 455.711(4) FS. Law Implemented 455.711, 455.587, 455.711(4),(8) FS. History—New 1-19-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Calculation of Assistance Time Limits
RULE NO.: 65A-4.202

PURPOSE AND EFFECT: The proposed rule amendment will implement the requirements of s. 414.105(3), F.S., related to the calculation of earned temporary cash assistance eligibility for outpatient mental health or substance abuse treatment and its impact on assistance time limits. The rule will establish requirements to allow a participant to receive an extension of temporary cash assistance eligibility for successful participation and completion of a substance abuse or mental health treatment program.

SUBJECT AREA TO BE ADDRESSED: The amendment includes the earning of one month of eligibility for extended temporary cash assistance for each month the individual fully complies with the requirements of the mental health or substance abuse treatment. It will limit the amount of earned eligibility to 12 additional months and treatment credit to one time only during the 48-month lifetime limit. It will also designate the regional workforce board or contract provider as the entity responsible for certification and tracking of participation to determine successful completion and notification to the department of number of earned month(s) of eligibility. Additionally, it will provide for forms to be revised or developed and incorporated by reference to certify treatment participation, successful completion, and request for earned months.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.065(4)(e) 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 17, 2000

PLACE: 1313 Winewood Blvd., Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, 1317 Winewood Blvd., Bldg. 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

PURPOSE AND EFFECT: This proposed rule amendment implements the requirements of s. 445.017, F.S. The 2000 Legislature enacted Chapter 2000-165, Laws of Florida (LOF), to create the Workforce Innovation Act of 2000 (WIA) and replace the Work and Gain Economic Self-Sufficiency (WAGES) Act. Many provisions of the WAGES Act were transferred, renumbered, revised, or repealed. Section 414.15, F.S., Diversion, was transferred and renumbered as s. 445.017, F.S., and amended. The statutory amendments require the regional workforce boards (RWB) to determine if an applicant family is likely to meet all the requirements of eligibility for diversion services and to identify barriers, that if corrected, may prevent the family from needing temporary cash assistance on a regular basis. The department is given authority to adopt rules governing the administration of this section.

SUBJECT AREA TO BE ADDRESSED: This rule provides: the screening process for potential eligibility; impact on eligibility for food stamps, Medicaid, and time limits; for a one-time payment of up to \$1,000 per family; for final eligibility determination and authorization for receipt of a diversion payment; and timeframe for processing payment. It also requires an agreement not to apply for temporary cash assistance for three months unless an emergency is demonstrated to the RWB; provides guidelines to determine an emergency; and increases the prorated repayment period from two to eight months. Additionally, forms are incorporated by reference related to activities.

SPECIFIC AUTHORITY: 445.017 FS.

LAW IMPLEMENTED: 445.017 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 13, 2000

PLACE: 1313 Winewood Blvd., Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Program Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Temporary Cash Assistance
RULE CHAPTER NO.: 65A-4

RULE TITLE: Up-Front Diversion
RULE NO.: 65A-4.212

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLE: Procedures
RULE NO.: 3A-22.003

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes that have been to the direct deposit form and to provide updated telephone numbers and an Internet address.

SUMMARY: The proposed amendment adopts changes to the direct deposit form and makes other technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 17.14, 17.075, 17.29 FS.

LAW IMPLEMENTED: 17.14, 17.075, 17.076 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 16, 2000

PLACE: Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Peterson, EFT Administrator, Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9466

THE FULL TEXT OF THE PROPOSED RULE IS:

3A-22.003 Procedures.

(1) No change.

(2) In order to enroll for participation, a beneficiary must submit or cause to be submitted, a completed Direct Deposit Authorization Form (Form No. DBF-AA-26S) revised 8/00 effective 7-30-87 or a substitute form acceptable to the Section and approved by the Department prior to its use. To be acceptable to the Section and the Department, substitute forms must contain, at a minimum, the following: (a) the information required on Form No. DBF-AA-26S; (b) substantially the same agreement terms printed on Form No. DBF-AA-26S with respect to the beneficiary and the receiving financial institution; (c) substitute forms must be factually correct and must not contain any misleading information; and (d) substitute forms must be printed on 8 1/2" x 11" paper, and must contain a blank one inch space that runs parallel with the 8 1/2" side and begins 2 3/4" from that side. This space will be

used for the imprinting of the document control number and must be on the same side of the form as the information supplied by the beneficiary and the participating institution. After the Section has received and processed a completed Direct Deposit Authorization Form, all retirement benefits and wage payments made to a participating beneficiary will be made by Direct Deposit, unless a beneficiary is disqualified pursuant to Rule 3A-22.003(4).

(3) through (8) No change.

(9) The section will attempt to make available an adequate supply of authorization forms at all times to any agency for use by its Beneficiaries. Any Beneficiary or agency that would like additional authorization forms should contact:

EFT Section Administrator

Office of Comptroller

Room 414, Fletcher Building

Tallahassee, Florida 32399-0350

~~(850)410-9466 (904)488-2911~~

SUNCOM ~~210-9466 278-2922~~

E-Mail: DirectDeposit@mail.dbf.state.fl.us

Specific Authority 17.14, 17.075(2), 17.29 FS. Law Implemented 17.14, 17.075(2), 17.076 FS. History--New 7-30-87, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Peterson, EFT Administrator, Division of Accounting and Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Uniform Certificate of Authority
RULE NO.: 4-136.034

Expansion Application
PURPOSE AND EFFECT: To adopt the NAIC Uniform Certificate of Authority Expansion Application for use by states when licensing foreign insurers.

SUMMARY: The UCAA expansion application captures substantially the same information as the Department existing foreign COA application package, and will have the added benefit of being consistent with other states.

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.