

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

**RULE TITLE:** Fertilizer **RULE NO.:** 5E-1.023

**PURPOSE AND EFFECT:** The purpose of this rule is to implement section 576.045(6), F.S. The effect is to adopt a specific interim measure.

**SUBJECT AREA TO BE ADDRESSED:** The rule adopts a specific nitrogen interim measure for forage crops (Bahia grass and Bermudagrass) grown within the Suwannee River Water Management District boundaries.

**SPECIFIC AUTHORITY:** 576.045 FS.

**LAW IMPLEMENTED:** 576.045 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 7:00 p.m., September 26, 2000

**PLACE:** Mayo Community Center, SR 27, Mayo, Florida

**TIME AND DATE:** 7:00 p.m., September 28, 2000

**PLACE:** Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Kenneth A. Kuhl, Environmental Administrator, Division of Agricultural Environmental Services, 3125 Conner Blvd., Doyle Conner Building, Tallahassee, Florida 32399-1650, Telephone (850)921-5745, Fax (850)488-8497

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

**DEPARTMENT OF TRANSPORTATION**

**RULE CHAPTER TITLE:** Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles **RULE CHAPTER NO.:** 14-26

**RULE TITLES:** Schedule of Fees **RULE NOS.:** 14-26.008

Permits to Move Sealed Cargo Loads 14-26.01311

**PURPOSE AND EFFECT:** This amendment is to revise the references to "sealed containerized" loads in Rules 14-26.01311 and 14-26.008 to read "sealed cargo loads." The special provisions relating to these types of sealed cargo loads also are being amended.

**SUBJECT AREA TO BE ADDRESSED:** The references to "sealed containerized" loads in Rules 14-26.01311 and 14-26.008 are changed to read "sealed cargo loads." The special provisions relating to these types of sealed cargo loads are being amended.

**SPECIFIC AUTHORITY:** 120.53(1)(b), 316.550, 334.044(2) FS.

**LAW IMPLEMENTED:** 316.535, 316.550, 334.044(28) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department of Transportation for permits for overweight and overdimensional vehicles operating on state maintained roads:

TABLE 1A – SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
<b>(1) OVERDIMENSION</b>		
<b>(a) * Straight Trucks and Semi-truck-tractor-trailer.</b>		
Up to 12 Feet Wide, or up to <del>14 1/2</del> 14 Feet <del>6 Inches</del> High or up to 85 Feet Long.	\$5.00	\$20.00
Up to 14 Feet Wide or up to 14 Feet 6 Inches High or up to 95 Feet Long.	\$15.00	\$150.00
Up to 14 Feet Wide or up to 18 Feet High or up to 120 Feet Long.	\$25.00	\$250.00
Over 14 Feet Wide or over 18 Feet High or over 120 Feet Long.	\$25.00	NOT ISSUED
<b>(b) Qualifying Semi-trailers of Legal Width, Height, and Weight, Which Exceed 53 Feet in Length (Movement Allowed All Days and All Hours).</b>	\$10.00	\$30.00
<b>(c) Overlength Semi-trailer with Greater than 41 Feet Kingpin Setting (Legal Width, Height, and Weight).</b>	\$10.00	\$30.00
<b>(d) *Truck Crane or Earth Handling Equipment Moving under Own Power, up to 12 Feet Wide or 14 Feet 6 Inches High, or 85 Feet Long.</b>	\$15.00	\$150.00
<b>(e) * Trailers or Equipment Towed with Ball or Pintle (i.e., Mobile Homes, Modular Buildings, Trailer Chassis, Swimming Pools, Boats, Portable Buildings).</b>		
Up to 10 Feet Wide or up to <del>14 1/2</del> 14 Feet <del>6 Inches</del> High or up to 80 Feet Long.	\$5.00	\$20.00
*Up to 12 Feet Wide or up to <del>14 1/2</del> 14 Feet <del>6 Inches</del> High or up to 105 Feet Long.	\$5.00	**\$330.00
*Up to 14 Feet Wide or up to 14 Feet 6 Inches High or up to 105 Feet Long.	\$15.00	**\$500.00
*Over 14 Feet Wide or over 14 Feet 6 Inches High or over 105 Feet Long.	\$25.00	NOT ISSUED
Towed Farm Equipment (Local Moves Only).	\$25.00	\$250.00
*SPECIFIED ROUTES ONLY – When applicable, the specified routes shall be on the permit. **Maximum Length 105 feet providing the length of the towed housing does not exceed 81 feet including all overhangs and tongue. NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.		
TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
<b>(2) OVERWEIGHT</b>		
<b>(a) *Up to 95,000 pounds.</b>	\$0.27 Per Mile	**\$240.00
<b>(b) *Up to 112,100 pounds.</b>	\$0.32 Per Mile	**\$280.00
<b>(c) *Up to 122,000 pounds.</b>	\$0.36 Per Mile	**\$310.00
<b>(d) *Up to 132,000 pounds.</b>	\$0.38 Per Mile	**\$330.00
<b>(e) *Up to 142,000 pounds.</b>	\$0.42 Per Mile	**\$360.00
<b>(f) *Up to 152,000 pounds.</b>	\$0.45 Per Mile	**\$380.00
<b>(g) * Up to 162,000 pounds.</b>	\$0.47 Per Mile	** \$400.00
<b>(h) *Over 162,000 pounds.</b>	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
<b>(i) *Sealed Containerized Cargo Load Unit.</b>	\$0.27 Per Mile	\$500.00
<b>(j) Overall Wheel Base (Inner Bridge/External Bridge).</b>	\$10.00	\$35.00
<b>(3) SPECIAL PERMIT FEES</b>		
Transmission Fee	\$5.00	NA

\*SPECIFIED ROUTES ONLY – When applicable, the specified routes shall be on the permit.  
 \*\*Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee.  
 NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit by the Permit Office, which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History—New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, 4-22-92, 3-1-94, 6-23-96, 11-10-98,

14-26.01311 Permits to Move Sealed Cargo Containerized Loads.

(1) Definitions. For the purposes of this rule:

(a) ~~In accordance with Section 316.302(4), Florida Statutes, H~~hazardous waste or hazardous materials are those as defined in 49 C.F.R., 172.504 Table 1 and hazard classes 2.1, 2.2, 3, 4.2, and 6.1 in Table 2.

(b) A sealed cargo containerized load is:

1. A freight container as defined by the International Standards Organization, Series 1, Freight Containers – Classification, dimensions and ratings, ISO668-1988 [E], which freight container may or may not have wheels or-

2. A unit which has permanently affixed top, bottom and sides, and which has doors, hatches, discharge pipes or valves, which remain under seal during transport.

(c) Destination point is the location where the packer's seal or U.S. Customs' seal is broken.

(d) International Maritime Movement is a shipment between or among nations, and one which involves travel by sea.

~~(e)(4)~~ Point of origin is the location where the packer's seal is affixed.

(2) General. The Department shall treat a sealed cargo containerized load ~~being moved via a truck or trucks and rail in conjunction with a maritime shipment,~~ as a single trip "nondivisible" load when:

(a) The sealed cargo load container does not transport hazardous waste, or hazardous materials, as defined in subsection (1)(a). Exceptions for materials packaged as provided in 49 C.F.R., Part 172.101 Hazardous Material Table are allowed. Hazardous materials meeting these packaging exceptions will be eligible for overweight permits; and

(b) The sealed cargo load container is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or

2. From a maritime port to a railroad facility for movement to the destination point; or

1.3. From the point of origin to no more than one destination within the state a maritime port; or

2.4. From the point of origin to an out of state destination; a railroad facility for movement to a maritime port; and

(c) The sealed cargo load container retains the original unbroken seal, or a replacement U.S. Customs' seal, throughout its transit until reaching its point of destination.

(3) Unless at least one of the conditions in (2)(b) above is met, no sealed cargo containerized load movements will be permitted under this rule for overweight loads ~~moved by truck or truck and rail from one point to another within the state or from a point within the state to a point in another state. An~~

annual maximum of 2,000 multi-trip permits will be issued for sealed cargo loads defined in (1)(b)2., above, for three years beginning December 1, 2000. After three years, permits will not be issued for single trip, or multi-trip, sealed cargo loads defined in (1)(b)2.

(4) Required On-Board Documents.

(a) The operators of vehicles transporting sealed cargo containerized loads under the provisions of permits issued pursuant to this rule shall at all times have on board, ~~and~~ under their control, and available for inspection at least one of the following documents:

1. A short form master bill of lading;

2. A copy of an electronically transmitted way bill; or

3. A completed U.S. Customs Service Authority to Mmove (Form 75-12) valid for the permitted load.

(b) The document(s) required in Section 14-26.01311(4) shall include the following readily identifiable information:

1. Consignor;

2. Point of origin;

3. Consignee;

4. Point of destination; and

5. Either the number of the packer's cargo seal or the number of the U.S. Customs' seal; and

6. A statement that the load being transported does not contain any hazardous material ~~as defined in Section 14-26.01311(1)(a).~~

(c) The document(s) required in Section 14-26.01311(4)(a) may be either originals or copies. Copies shall have be in the form of hard copy having a signature on each document authenticating the document, or a certification signed and dated ~~or~~ by an authorized agent of the permit holder, stating that the attached documents are authentic. ~~The required document(s) may be either originals or copies.~~ Original documents shall bear original signatures and copies shall bear original signatures unless they bear a copy of a signature made before copying.

(5) No Straight Trucks. Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), Florida Statutes, shall be eligible for a permit to be issued pursuant to this rule.

(6) Single Trip Permits. No single trip permits shall be issued for sealed cargo loads defined in (1)(b)2. When requesting ordering a single trip permit to transport a sealed cargo containerized loads, as defined in (1)(b)1., the hauler must furnish all relevant details on the proposed move to the Department's ~~Permits Section~~. At a minimum, this shall include:

(a) Maximum gross weight; ~~and~~

(b) Axle spacing (center to center of each axle); ~~and~~

(c) The origin and destination of the highway move, specifying intersections at which the vehicle will enter and leave the State Highway System; ~~and~~

(d) ~~The Either the~~ number of the packer's cargo seal, container number, trailer tag number, or the number of the U.S. Customs' seal; and

(e) The State highway(s) ~~requested~~ to be traveled; and

(f) An affidavit providing:

1. A reasonable description of the contents of the sealed ~~cargo containerized load to be moved under the requested trip permit;~~

2. A statement that the sealed cargo load movements under the requested trip permit will not contain any hazardous material, ~~as defined in (1)(a) of this rule; and~~

3. A statement of whether that the sealed cargo containerized loads to be moved under the requested trip permit will involve ~~domestic maritime movements, international maritime movements, or both; Only international maritime movement will be permitted on the Interstate Highway System.~~

(7) Multi-Trip Permits. When requesting a multi-trip permit, the applicant shall furnish the following details on the proposed move:

(a) The maximum gross vehicle weight (~~GVW~~) of the vehicle and load to be transported under the requested multi-trip permit; and

(b) The axle spacing from center to center of each axle, of vehicles to be utilized under the requested ~~blanket~~ permit.

(c) An affidavit providing:

1. A reasonable description of the contents of the sealed probable cargo load uses to be made of the sealed containers to be moved under the requested blanket permit;

2. A statement that the sealed cargo load movements under the requested permit will not contain any hazardous material, ~~as defined in (1)(a) of this rule; and~~

3. A statement of whether that the sealed cargo containerized loads to be moved under the requested multi-trip permit will involve ~~domestic maritime movements, international maritime movements, or both; Only international maritime movement will be permitted on the Interstate Highway System.~~

(8) Allowable Axle Weights. The gross weight imposed on the highway by the wheels of any axle of a vehicle operating under a permit issued pursuant to this rule shall not exceed the legal limit for the type of axle configuration being assessed, ~~as provided in Section 316.535, Florida Statutes.~~

(9) Overall Gross Vehicle Weight. Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight (GVW) of 95,000 pounds.

(10) Axle Spacings. All vehicles operating under a permit issued pursuant to this rule shall meet the minimum axle spacing requirements, dictated by structural analyses of the bridge structures to be involved.

(11) Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five full-time, load-bearing axles.

(12) Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater, as that term is defined in ~~(the outer bridge length is described in~~ Section 316.535(3), Florida Statutes, ~~as being the distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot).~~

(13) The provisions of Sections ~~14-26.005 and 14-26.0051~~ shall not apply to permits to move sealed cargo containerized loads.

Specific Authority ~~20.05(5), 120.53(1)(b), 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(28)(27) FS. History--New 9-14-93, Amended 6-23-96, \_\_\_\_\_.~~

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Inmate Discipline – Terminology and Definitions	33-601.302
Reporting Disciplinary Infractions	33-601.303
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Inmate Discipline – Use of Confidential Informants During Investigation	33-601.3055
Disciplinary Hearings	33-601.307
Disciplinary Team, Hearing Officer Findings and Action	33-601.308
Inmate Discipline – Review and Final Action	33-601.309
Inmate Discipline – Rehearings	33-601.310
Inmate Discipline – Miscellaneous Provisions	33-601.311
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide definitions of applicable terms, establish forms relevant to inmate discipline, and clarify procedures relating to inmate discipline. The effect is to clarify: titles, waivers, procedures relating to verbal reprimands and corrective consultations, procedures relating to deliberations and hearings, procedures relating to inmates held in administrative confinement pending disciplinary hearings, procedures relating to actions which may be taken following a finding of guilt, and procedures relating to rehearings. The proposed rule also establishes time limits for investigations and establishes procedures relating to the use of confidential informants and confidential information in disciplinary matters.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09, 944.091 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 944.719, 945.04, 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 IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-601.302 follows. See Florida Administrative Code for present text.)

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) Classification officer – as used herein, refers to any classification officer position, including senior classification officer and classification supervisor.

(2) Contact Card – refers to Form DC4-364A, a written log used to document aberrant behavior of an inmate. Correctional officers maintain this card in the inmate's assigned dormitory.

(3) Corrective Consultation – A written reprimand for a violation of rules of such a minor nature that no disciplinary report is necessary.

(4) Department Head – The staff person in charge of a work unit at a correctional facility.

(5) Designating Authority – The employee assigned by the warden who shall review disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and rules 33-601.301-601.314, and whether it shall be designated as minor or major as defined by 33-601.302(11) and (12).

(6) Disciplinary Hearing – The procedure used to provide administrative due process requirements for inmates charged with violating the rules of the Department.

(7) Disciplinary Report – A formal method of charging an inmate with a rule violation. The disciplinary report is an Offender Based Information System (OBIS) computer screen entry into the Automated Discipline and Integrated Offender System (ADIOS).

(8) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a correctional officer lieutenant or above who will be responsible for hearing disciplinary reports.

(9) Hearing Officer – An employee who will be responsible for hearing disciplinary reports designated as minor.

(10) Investigator – The staff member assigned to investigate infractions, conduct interviews and collect evidence relating to the disciplinary infraction.

(11) Major Violation – Any rule violation where the maximum penalty is 30 DC + 30 GT or greater, or where the maximum penalty is less than 30 DC + 30 GT and the designating authority has determined that based upon one or more of the criteria listed in 33-601.302(12), it is assigned to the disciplinary team as a major disciplinary report.

(12) Minor Violation – Any rule violation for which the maximum penalty that could be imposed is less than 30 days disciplinary confinement + 30 days loss of gain time shall be considered for assignment to the hearing officer as a minor disciplinary report based on:

(a) The nature and circumstances of the offense;

(b) The inmate's disciplinary history;

(c) The period of time that has elapsed since the inmate's last disciplinary report.

(13) Rehearing – A process to reconsider the disciplinary report due to discovery of an error at any time after a finding of guilt.

(14) Staff Assistant – An employee, appointed by the warden, whose name is placed on a list to be assigned to an inmate to explain the charges or procedures to the inmate when the inmate is illiterate or does not understand English, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself. A staff assistant is not to take the position of an advocate or defense attorney.

(15) Shift Supervisor – The correctional officer in charge of security on any work shift.

(16) Witness – Any person having information relevant to facts in dispute of the case.

Specific Authority 944.09 FS, Law Implemented 20.315, 944.09 FS, History– New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00,\_\_\_\_\_.

33-601.303 Reporting Disciplinary Infractions.

(1) When any employee or person supervising inmates witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department and that employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee shall take the necessary action to resolve the matter. The employee may decide to reprimand the inmate verbally or in writing through use of Form DC6-117, Corrective Consultation of Inmate.

(a) A verbal reprimand is any employee's verbal counseling to the inmate designed to motivate the inmate to comply with, or to clarify the rules of prohibited conduct.

departmental rules or procedures or institutional regulations. Verbal reprimands will be documented on the inmate's contact card. Form DC4-364A.

(b) If the employee decides to reprimand the inmate in writing, the employee shall issue the inmate a Corrective Consultation, Form DC6-117. Form DC6-117 is incorporated in Rule 33-601.313. A copy of the corrective consultation will be provided to the inmate within twenty-four hours of the writing of the corrective consultation and a copy will be placed in the inmate's institutional file.

(2) If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee shall consult with and obtain approval from his or her ~~the~~ employee's supervisor regarding preparation of a formal disciplinary report, ~~Form EF6-014~~ unless the employee is at the department head level or correctional officer lieutenant level or above.

(3) When it appears that laws of the state have been violated, the inspector general or the warden shall notify the State Attorney ~~shall be notified~~. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, \_\_\_\_\_.

### 33-601.304 Preparation of Disciplinary Reports.

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

(3) The completed disciplinary report shall be turned in to the shift supervisor.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended 5-21-00, \_\_\_\_\_.

### 33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing ~~after receipt~~ of the disciplinary report. The investigating officer is responsible for the following:

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

(b) Ensuring that the inmate has been provided a written copy of the charges.

(b) through (d) renumbered (c) through (e) No change.

(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B. Form DC6-112B is incorporated by reference in Rule 33-601.313.

(3) Interviewing additional persons who may have information pertaining to the infraction, including those who are listed in the statement of facts or specifically referenced by the charging staff person or specifically identified by the charged inmate ~~who may have information pertaining to the infraction.~~

(4) Recording the results of the investigation on the Disciplinary Investigative Report, Form DC6-112A. Form DC6-112A is incorporated by reference in Rule 33-601.313.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, \_\_\_\_\_.

### 33-601.3055 Inmate Discipline – Use of Confidential Informants During Investigation.

The investigator shall interview the informant and obtain a statement of the incident in question. This information shall be recorded by the investigator in the disciplinary investigative report. The investigator shall also document whether the informant has direct or indirect knowledge of the case, whether the informant has provided information in the past, and whether the information has been reliable, unreliable, or both. If the informant has allegedly provided confidential information in the past, the investigator will document to whom and confirm with the staff member in the disciplinary investigative report. The investigator will document only the informant's social security number for identification purposes on the witness disposition form after the charged inmate reviews and signs the form.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New \_\_\_\_\_.

### 33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver, shall be used for this purpose. The disciplinary team or hearing officer shall provide an explanation in the basis of findings section whenever the waiver process is utilized. Form DC6-112D is incorporated in Rule 33-601.313.

(b) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. ~~The chairman of the disciplinary team or the hearing officer may determine that the source of certain information or the information itself should not be revealed to the inmate when the disclosure would endanger the safety or well-being of another person or affect institutional security and order. If a witness statement is not read, the reason(s) shall be documented in the witness disposition form. If other evidence is not revealed to the inmate, the reason(s) shall be documented in the basis of findings section of the disciplinary report. The inmate may make any closing statement, written or verbal, concerning the infraction for consideration by the hearing~~

officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) ~~During disciplinary team deliberations, only the team, employees being trained, and others whom the warden, chief of security, or correctional probation supervisor have previously authorized to be present and have determined will not disrupt the hearing and will benefit by observing the proceedings, shall be present.~~ The hearing officer or disciplinary team shall ensure the following in accordance with 33-601.308:

1. through (3)(g) No change.

(h) If the team or hearing officer utilizes confidential informant information during the hearing, the team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The team or hearing officer shall consider the informant's reliability by analyzing the informant's past record for providing accurate or inaccurate information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant's information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The team or hearing officer shall document the information used to determine guilt and the reliability of the information in the basis of decision section of the Disciplinary Hearing Worksheet, Form DC6-112E. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of the witness disposition form.

(h) through (i) renumbered (i) through (j) No change.

(k) The only persons present during disciplinary team deliberations shall be the team, employees being trained, and others whom the warden, the chief of security, or the classification supervisor have previously authorized to be present after having determined that these persons will not disrupt the hearing and will benefit by observing the proceedings.

(4) through (a) No change.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts (change section narrative) then the originator shall rewrite the disciplinary report ~~shall be rewritten~~, a copy of the new or corrected disciplinary report shall be delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in

the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the final decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report, ~~Form EF6-011.~~

(5)(a) through (b) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00,

33-601.308 Disciplinary Team, Hearing Officer Findings and Action.

(1) The disciplinary team or hearing officer's findings shall enumerate the specific facts derived from the disciplinary report, the disciplinary investigative report investigation or the witness statements and what specific evidence was used in the disciplinary team's or hearing officer's conclusion.

(2) through (c) No change.

(3) If the inmate has been held in administrative confinement pending the disciplinary hearing and the decision is not to impose disciplinary confinement as part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the institutional classification team will be required to immediately review the case.

~~(4)(3)~~ If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer's authority is limited to subparagraphs ~~(3)~~(a) through ~~(3)~~(j) below:

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

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, the disciplinary team chairman or hearing officer shall prepare a memo, forward a copy to the service center and place a copy ~~documentation shall be placed~~ in the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report.

3. through 4. No change.

(k) through (n) No change.

(o) Require inmates assigned to work release ~~a community correctional~~ centers to participate in the work release program to pay the cost of substance abuse analysis test(s) administered when the result(s) are positive.







GROUND WATER

(1) through (18) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

(13) WORKS OF THE DISTRICT APPLICATION FOR PERMIT FORM 44.00-082 (6/00).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-1

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

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt revisions to the District’s form entitled; Statement of Completion and Request for Transfer to Operation Entity, Form 547.27/SOC. The revisions include the addition of a reference to Chapter 40D-6, F.A.C. in Section 2.A of the form and clarification of the provisions in Section 2.B of the form. The revisions also include the adoption of a checklist of items that must be submitted with the form in accordance with District rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to the District’s Form entitled. Statement of Completion and Request for Transfer to Operation Entity, Form 547.27/SOC.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (18) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) No change.

(2) STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY FORM 547.27/SOC (06/00) (8/94)

(3) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Works of the District  
RULE CHAPTER NO.: 40D-6

RULE TITLES: Exemptions  
RULE NOS.: 40D-6.051  
Permit Processing Fee 40D-6.201  
Duration of Permits 40D-6.321  
Completion Report 40D-6.411

PURPOSE AND EFFECT: The purpose of the proposed rules is to correct deficiencies in the District’s Works of the District permitting rules. The amendment to 40D-6.051 will provide an exemption from the requirements of Chapter 40D-6 for projects that receive an Environmental Resource Permit under Chapters 40D-4, 40D-40, 40D-400, FAC. This provision will avoid the unnecessary duplication of permitting with respect to certain activities.

The amendment to 40D-6.201 will reference the fee charged for a Works of the District permit, which is set forth in Chapter 40D-1, F.A.C. The proposed amendment to 40D-6.411 will specifically reference the form that must be filed with the District upon completion of the construction authorized by a Works of the District permit. The proposed amendments also add Section 40D-6.321, F.A.C. to provide a duration for the Works of the District permits.

SUBJECT AREA TO BE ADDRESSED: Revisions to the Exemption, Fee and Completion Report Sections of Chapter 40D-6, F.A.C. Works of the District. The proposed revisions also add a section to Chapter 40D-6, on Permit Duration.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.103, 373.109, 373.413, 373.416, 403.813 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**40D-6.051 Exemptions.**

A permit shall not be required:

(1) through (4) No change.

(5) For activities which receive an Environmental Resource Permit from the District under Chapters 40D-4, 40D-40 or 40D-400, F.A.C.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 373.103, 403.813 FS. History—Readopted 10-5-74, Amended 12-31-74, 8-2-78, Formerly 16J-1.051(2), Amended.

**40D-6.201 Permit Processing Fee.**

A permit processing fee shall be paid to the District at the time a permit application is filed in the amount prescribed in the schedule set forth in Rule 40D-1.607(12), F.A.C. ~~40D-0.201.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.109 FS. History—Readopted 10-5-74, Formerly 16J-1.061, Amended.

**40D-6.321 Duration of Permits.**

Unless revoked or otherwise modified, the duration of a Works of the District Permit issued pursuant to this chapter is:

(1) Five years from the date of issuance to the completion of construction and submittal of the Statement of Completion and Request for Transfer to Operation Entity, including the supporting as-built documents;

(2) Perpetual from the date of authorization by the District for operation by the entity identified in the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New \_\_\_\_\_.

**40D-6.411 Completion Report.**

Within thirty (30) days after the completion of construction or alteration for which a permit was granted by the ~~District Board~~, the permittee shall file with the District a Statement of Completion and Request for Transfer to Operation Entity, as identified in Rule 40D-1.659, F.A.C. ~~written statement of completion on the appropriate form provided by the Board.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 373.103 FS. History—Readopted 10-5-74, Formerly 16J-1.10, Amended.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Inpatient Hospital Services

RULE NO.: 59G-4.150

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Inpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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. – 10:00 a.m., September 6, 2000

PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of 59G-4.150 follows. See Florida Administrative Code for present text.)

**59G-4.150 Inpatient Hospital Services.**

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, both incorporated by reference in 59G-4.160. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 3-30-78, 1-2-79, 2-3-81, 7-28-81, 7-1-83, 3-1-84, 10-31-85, Formerly 10C-7.39, Amended 10-2-86, 2-28-89, 10-17-89, 10-14-90, 5-21-91, 11-14-91, 3-25-92, 5-13-92, 7-12-92, 8-9-93, 12-21-93, Formerly 10C-7.039, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 6-9-96, 5-12-99, \_\_\_\_\_.

**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 two new forms and eight revised forms related to Florida Retirement System participation, service credit, and benefits. The forms are being amended to accommodate recommendations of the Division of Retirement's reengineering project, and to comply with enacted legislation.

SUBJECT AREA TO BE ADDRESSED: Form DP-12 is being adopted, in compliance with Chapter 98-413, Laws of Florida, to allow the QDRO approved alternate payee of a member's Deferred Retirement Option Program (DROP) benefit to designate a beneficiary. Form SB-13b is a Physician's Report to be used for the determination of disability of a joint annuitant in order to allow a joint annuitant over age 25 to receive benefits for the duration of the disability, in compliance with Chapter 95-338, Laws of Florida. Form BEN-001 is being revised to include the member's birthdate, the employer's agency number and name, and a change in the retirement section to which questions regarding the designation of beneficiaries are to be directed. Forms FRS-400 and FRS-405 are being revised for clarity to include the member's class code used on payroll reports. Form MF-1 is being revised to change the U. S. Code chapter reference. Form DIS-1 is being revised to shorten the title, remove the barcode and make it a jet form. Forms FRS-M81, DP-TERM, and Rollover are being revised to indicate a change in the return mail address.

SPECIFIC AUTHORITY: 121.031 FS.  
LAW IMPLEMENTED: 121.051, 121.071, 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., September 5, 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 A COPY OF THE PRELIMINARY DRAFT IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE TITLE: Approved Forms  
RULE NO.: 60U-1.006

PURPOSE AND EFFECT: This proposed rule will adopt one revised form, as required by Chapter 2000-169, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Form ORP-16 is being revised to show the new retirement contribution rates passed by the 2000 Legislature and effective July 1, 2000. These contributions are required for employers of State University System Optional Retirement Program participants and are optional for the participants.

SPECIFIC AUTHORITY: 121.031 FS.  
LAW IMPLEMENTED: 121.071, 121.35 FS.

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

TIME AND DATE: 10:00 a.m., September 5, 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 A COPY OF THE PRELIMINARY DRAFT IS: Mary Beth Brewer, Senior Benefit Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE TITLE: Approved Forms  
RULE NO.: 60V-1.007

PURPOSE AND EFFECT: This proposed rule will adopt one revised form, as required by Chapter 2000-169, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Form SMS-1 will be revised to show the new retirement contribution rates passed by the 2000 Legislature and effective July 1, 2000. These contributions are required for employers of Senior Management Service Optional Annuity Program participants and are optional for the participants.

SPECIFIC AUTHORITY: 121.031 FS.  
LAW IMPLEMENTED: 121.055 FS.

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

TIME AND DATE: 10:00 a.m., September 5, 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 A COPY OF THE PRELIMINARY DRAFT IS: Mary Beth Brewer, Senior Benefit Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Cam Scope of Practice  
 RULE NO.: 61-20 PART II

PURPOSE AND EFFECT: The Regulatory Council proposes to discuss "Part II Cam Scope of Practice" to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for manager's license; reexamination; examination review; standards of professional conduct; fees; continuing education renewal requirements; continuing education provider approval; continuing education course approval; reactivation continuing education.

SPECIFIC AUTHORITY: 455.217(2),(3), 468.4315, 468.433, 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.217, 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.4336, 468.4337, 468.4338, 468.435, 468.436 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., September 8, 2000  
 PLACE: The Sheraton Hotel, 4 Points, The St. Thomas Room, 3835 McCoy Road, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: General Information and Forms  
 RULE NO.: 61G3-15.006

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

SUBJECT AREA TO BE ADDRESSED: General Information and Forms.

SPECIFIC AUTHORITY: 120.53(1), 119.07(1)(a), 476.064(4), 455.2178 FS.

LAW IMPLEMENTED: 120.53(1), 455.205, 119.07(1)(a), 455.2178 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)  
 RULE NO.: 61G3-16.009

PURPOSE AND EFFECT: The purpose of the development is to provide procedures relating to Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) continuing education approval.

SUBJECT AREA TO BE ADDRESSED: Requirement for Instruction on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

SPECIFIC AUTHORITY: 455.2228, 476.064(4), 455.2178 FS.

LAW IMPLEMENTED: 455.2228, 455.2178 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Application and Initial Fee for Continuing Education Providers  
 RULE NO.: 61G3-20.017

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendment are necessary.

SUBJECT AREA TO BE ADDRESSED: Application and Initial Fee for Continuing Education Providers

SPECIFIC AUTHORITY: 455.219(3), 476.064(4), 455.2228, 455.224 FS.

LAW IMPLEMENTED: 455.219(3), 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLES:	RULE NOS.:
Citations	61G3-21.009
Mediation	61G3-21.011

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations; Mediation.

SPECIFIC AUTHORITY: 476.064(4), 455.2228, 455.224 FS.

LAW IMPLEMENTED: 455.2235, 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' 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.: 00-37R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Stationary Sources – General Requirements	62-210

RULE TITLES:	RULE NOS.:
Definitions	62-210.200
Permits Required	62-210.300
Administrative Permit Corrections	62-210.360
Forms and Instructions	62-210.900

PURPOSE AND EFFECT: The Department is proposing to add definitions and amend existing definitions in Florida Administrative Code Rule 62-210.200, amend Florida Administrative Code Rule 62-210.360(1), and add a form and amend existing forms in Florida Administrative Code Rule 62-210.900(1)(a) based on recent amendments to the Federal Acid Rain Program requirements. The Department is also proposing to incorporate language to address transfer of air permits and introduce a new Transfer of Air Permit Form.

SUBJECT AREA TO BE ADDRESSED: The proposed additions and amendments would affect Acid Rain Program related definitions, administrative permit corrections, and forms based on amendments to 40 CFR 72, introduce transfer of air permit language, and add a transfer of air permit form.

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., Thursday, September 7, 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:	RULE CHAPTER NO.:
Operation Permits for Major Sources	

of Air Pollution	62-213
RULE TITLES:	RULE NOS.:
Annual Emissions Fee	62-213.205
Permits and Permit Revisions Required	62-213.400
Permit Applications	62-213.420
Permit Issuance, Renewal, and Revision	62-213.430
Permit Content	62-213.440
Forms and Instructions	62-213.900

PURPOSE AND EFFECT: The Department is proposing to add the option of separately issuing the Acid Rain Part of a Title V permit as authorized by recent amendments to Florida Statute 403.0872, add a Statement of Compliance Form with a specified due date, and clarify the volatile organic compound fee calculation method.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments would allow applicants to request separate processing and issuance of the Acid Rain Part of a Title V Permit, add an annual statement of compliance form with a specified due date, and clarify the volatile organic compound fee calculation method.

**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., Thursday, September 7, 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:** Requirements for Sources Subject to the Federal Acid Rain Program

**RULE CHAPTER NO.:** 62-214

**RULE TITLES:** Purpose and Scope

**RULE NOS.:** 62-214.100

Applications 62-214.320

Exemptions 62-214.340

Department Action on Applications 62-214.360

Revisions and Administrative Corrections 62-214.370

Acid Rain Part Content 62-214.420

Implementation and Termination of

Compliance Options 62-214.430

**PURPOSE AND EFFECT:** The Department is proposing to amend Florida Administrative Code Chapter 62-214 in accordance with recent amendments to the Federal Acid Rain Program regulations.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments would update the requirements for sources subject to the Federal Acid Rain Program based on amendments to the Federal Acid Rain Program regulations.

**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., Thursday, September 7, 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.:** 00-43R

**RULE CHAPTER TITLE:** Identification of Impaired Surface Waters

**RULE CHAPTER NO.:** 62-303

**RULE TITLES:** Scope and Intent

**RULE NOS.:** 62-303.100

Definitions 62-303.200

Methodology to Determine Impairment 62-303.300

Determination of Aquatic Life Use Support 62-303.400

Exceedances of Aquatic Life-Based

Water Quality Criteria 62-303.410

Biological Impairment 62-303.420

Toxicity 62-303.430

Interpretation of Narrative Nutrient Criteria 62-303.440

Nutrient Impairment in Streams 62-303.441

Nutrient Impairment in Lakes 62-303.442

Nutrient Impairment in Estuaries 62-303.443

Primary Contact and Recreation Use Support 62-303.500

Fish and Shellfish Consumption Use Support 62-303.600

Drinking Water Use Support 62-303.700

Prioritization 62-303.800

Evaluation of Proposed Pollution

Control Mechanisms 62-303.810

Listing Cycle 62-303.820

Format of List 62-303.830

Delisting Procedure 62-303.840

Impairment of Interstate Waters 62-303.850

**PURPOSE AND EFFECT:** The proposed rules are intended to implement Section 403.067, Florida Statutes, by setting forth a methodology for determining waters that are impaired as provided in Subsection 403.067(3), Florida Statutes. The results of such determinations will be used to determine those water bodies or water body segments for which Total Maximum Daily Loads (TMDLs) will be calculated.

**SUBJECT AREA TO BE ADDRESSED:** Methodologies to determine impairment of designated uses, including aquatic life use support, primary contact and recreation use support, fish and shellfish consumption use support, and drinking water use support; methodologies to establish aquatic life use support using exceedances of water quality criteria, bioassessment data, toxicity data, and nutrient data; methodologies to prioritize impaired waters and to evaluate proposed pollution control mechanisms; descriptions of the 303(d) listing cycle and list format; and methodologies for delisting waters.

**SPECIFIC AUTHORITY:** 403.061, 403.067 FS.

**LAW IMPLEMENTED:** 403.067 FS.

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

**TIME AND DATE:** 9:00 a.m. – 4:30 p.m., Thursday, September 7, 2000

**PLACE:** Florida Department of Corrections, 2601 Blair Stone Road, Classroom B, Second Floor, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Specialist in the Bureau of Personnel at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400, telephone (850)921-9488

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE CHAPTER TITLE:** Storage Tank Systems **RULE CHAPTER NO.:** 62-761

**PURPOSE AND EFFECT:** The Department of Environmental Protection announces a public meeting to discuss potential changes to the petroleum storage tank systems rule that will include, but is not limited to, updating reference standards, providing release detection for underground storage tanks used for standby power generation, and simplifying and reorganizing the rule.

**SUBJECT AREA TO BE ADDRESSED:** All sections of the rule chapter.

**SPECIFIC AUTHORITY:** 376.303, 376.322(3), 403.087 FS.

**LAW IMPLEMENTED:** 376.303, 376.309, 376.322, 376.323, 376.324, 376.325, 376.3072, 376.3077, 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., September 13, 2000

**PLACE:** Ramada Inn North, 2900 North Monroe Street, Tallahassee, Florida 32303

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** A copy of the agenda may be obtained by writing to: John P. Svec, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 4525, Tallahassee, FL 32399-2400 or by calling John Svec, (850)921-9003

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 HEALTH**

**Board of Chiropractic Medicine**

**RULE TITLE:** Deceptive and Misleading Advertising **RULE NO.:** 64B2-15.001

**PURPOSE AND EFFECT:** The Board proposes to amend this rule to update the text with regard to deceptive and misleading advertising.

**SUBJECT AREA TO BE ADDRESSED:** Deceptive and misleading advertising.

**SPECIFIC AUTHORITY:** 460.405 FS.

**LAW IMPLEMENTED:** 455.664, 460.413(1)(d) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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:**

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (l) No change.



(m) Contains a reference to an allopathic or osteopathic a medical degree or uses the initials “M.D.” or “D.O.” unless the chiropractic physician has actually received such a degree. If the chiropractic physician is not licensed to practice allopathic or osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a the statement such as “Not licensed as a medical doctor to practice medicine in the State of Florida” or “Licensed to practice chiropractic medicine only” in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 455.664, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-2000,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE CHAPTER TITLE: Resident Internship  
 RULE CHAPTER NO.: 64B15-16

PURPOSE AND EFFECT: The Board proposes to discuss this rule chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Resident internship defined and procedure.

SPECIFIC AUTHORITY: 459.005, 459.006(1), 459.007(1) FS.

LAW IMPLEMENTED: 459.006(1), 459.007(1) 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. or thereafter, September 15, 2000

PLACE: The Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Bureau of Emergency Medical Services**

RULE CHAPTER TITLE: Residential Swimming Pools, Spas and Hot Tubs  
 RULE CHAPTER NO.: 64E-21

PURPOSE AND EFFECT: To incorporate the statute as the document containing the requirements of Chapter 515, Florida Statutes that will be provided to the buyers by licensed pool contractors, home builders or developers.

SUBJECT AREAS TO BE ADDRESSED: Residential swimming pool safety.

SPECIFIC AUTHORITY: 515.35 FS.

LAW IMPLEMENTED: 515 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: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733

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

P.O. F00396

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE TITLES: Application Requirements  
 Application Review  
 RULE NOS.: 1A-43.007  
 1A-43.009

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the applications incorporated into this rule and create new applications to differentiate between operational grants and program specific grants and to obtain more information for each application to streamline application review procedures.

SUMMARY: The proposed amendment creates two new applications to differentiate between operational grants and program specific grants. Also, the proposed amendment cites the Historical Resources Operating Trust Fund as the source of grant funds in agreement with FSA 267.072.

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

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative, must do so with 21 days of the notice.

SPECIFIC AUTHORITY: 267.031 FS.

LAW IMPLEMENTED: 267.072 FS.

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

TIME AND DATE: 9:00 a.m., September 18, 2000