

(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

PLACE: R. A. Gray Building, Third Floor, Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joseph G. Pais, Museum Curator Supervisor, Statewide Museum Services, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)487-1902

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-43.007 Application Requirements.

(1) Applications for grant assistance from the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on Historical Museums Grants-in-Aid Application, ~~Form HR3E210695, effective 8-96, Forms HR2E570700 and HR2E580700 effective 10-00~~ which are ~~is~~ incorporated by reference. A copy of the application forms may be obtained from the Bureau of Historical Museums.

(2) Eligible applicants for grant assistance from the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund under this chapter include:

(a) through (b) No change.

(3) Funds appropriated from general revenue to the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund, however, shall not be used to provide grant assistance to projects for historical or other museums owned by private individuals or for-profit corporations.

(4) through (6) No change.

(7) Applicants may submit more than one application for grant assistance from the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund.

(8) No change.

(9) Applications shall be submitted to the Division to the attention of the Bureau of Historical Museums and shall include the original and nine ~~eight~~ complete copies.

(10) No change.

(a) Applications for grant assistance from the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund shall be solicited by the Division between October 1 and December 15 of each year. The Division shall accept applications at any time, but to be considered for funding in a given grant cycle, applications shall be delivered to the Division offices on or before 5:00 p.m., December 15 in the annual grant cycle, or the first working day following, if that date falls on a weekend or legal holiday, or shall be clearly postmarked or show evidence of submission to an express mail service or the United States Postal Service on or before December 15 or the first working day following, if that date falls on a weekend or legal holiday. Applications for assistance which are postmarked or shipped or personally delivered after

the deadline to the Division offices shall be automatically rejected by the Division, and the application shall be returned with all support information by certified mail, return receipt requested.

(b) No change.

Specific Authority 267.031 FS. Law Implemented 267.072 FS. History--New 3-28-90, Amended 5-11-92, 4-3-97, _____.

1A-43.009 Application Review.

(1) through (2) No change.

(3) Members of the Committee shall convene on or before March 15 of each annual cycle in a public meeting to review and evaluate all eligible applications for grant assistance from the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund.

(4) through (8) No change.

(9) All grant awards which have been approved in accordance with this rule shall be formalized through a grant award agreement which shall contain conditions governing the grant award. The grant award agreement, Form HR2E590700, effective 10-00 ~~HR2E551906, effective 10-96~~, is incorporated by reference and may be obtained from the Bureau of Historical Museums.

(a) No change.

(b) Funds remaining in any grant allocation as a result of early termination or from completion of the project at less than anticipated cost shall revert to the Historical Resources Operating Trust Fund Museum of Florida History Trust Fund.

Specific Authority 267.031 FS. Law Implemented 267.071, 267.072, 286.031 FS. History--New 3-28-90, Amended 5-11-92, 4-3-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph G. Pais, Museum Curator Supervisor, Statewide Services, Bureau of Historical Museums

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Janet Snyder Matthew, Ph.D., Director, Division of Historical Resources, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Library Construction Grant and the Library Services and Technology Act Grant. The amendment also adds guidelines and forms for the Community and Library Technology Access Partnership Grant program.

SUMMARY: Library Construction Grants: The proposed amendment incorporates the state audit requirements for projects, and revises the document used to obtain population and square footage used in scoring applications.

Library Services and Technology Grants (LSTA): The number of grant categories has been reduced from seven to two broad categories; and the application and report forms have been modified to include outcome-based planning and evaluation of projects.

Community and Library Technology Access Partnership Grants: Guidelines for this program are outlined in the application packet which contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures and application and report forms.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-42 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW: (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

TIME AND DATE: 9:00 a.m., September 11, 2000

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

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

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, Amended 2-14-99 which contain instructions and application (Form # DLIS/PLC01), effective 4-1-98, Amended 2-14-99, Amended 4-4-00, Amended _____.

(c) No change.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, Amended 2-14-99 which contain instructions and applications (Form

DLIS/LSTA01), effective 4-1-98, Amended 2-14-99, Amended 4-4-00, Amended _____; Mid Year Report (Form # DLIS/LSTA02), effective 2-14-99, Amended 4-4-00, Amended _____; and Annual Report (Form # DLIS/LSTA03), effective 4-4-00, effective _____.

(e) No change.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form # DLIS/CLTA01), effective _____; and Annual Report (Form # DLIS/CLTA02), effective _____.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-42 FS. History--New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta L. Flowers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Hurricane Loss Exposure Model **RULE NO.:** 4-170.015

PURPOSE AND EFFECT: The rule is being repealed as the result of the repeal of the statutory authority for the rule.

SUMMARY: The rule established standards for Department review of homeowners rate filings based on loss exposure models.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308, 627.0629(3) FS.

LAW IMPLEMENTED: 624.307(1), 627.0629(3) 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., September 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820

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 FULL TEXT OF THE PROPOSED RULE IS:

4-170.015 Hurricane Loss Exposure Model .

Specific Authority 624.308(1), 627.0629(3) FS. Law Implemented 624.307(1), 627.0629(3) FS History--New 8-15-94 , Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Jenkins, Bureau of P & C Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Bureau Chief, P & C Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: May 10, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Insurer Experience Reporting – Excessive Profits, Commercial Property and Commercial Casualty Insurance
RULE NO.: 4-171.007

PURPOSE AND EFFECT: The rule is being repealed as the result of the repeal of the statutory authority for the rule.

SUMMARY: The rule required commercial property and casualty insurers to report commercial lines excess profits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.915, 627.918(1) 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., September 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-171.007 Insurer Experience Reporting – Excessive Profits, Commercial Property and Commercial Casualty Insurance.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915, 627.918(1) FS. History--New 8-15-94, Amended 3-5-89, Formerly 4-59.0062, Amended 4-28-92, Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Jenkins, Bureau of P & C Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Bureau Chief, P & C Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: June 26, 2000

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE TITLES: Required Motor Vehicle Insurance Coverages
Collision Coverage Rate Filings
Purpose
RULE NOS.: 4-175.004
4-175.005
4-175.031

PURPOSE AND EFFECT: The rules are being repealed as the result of the Department’s determination that the rules exceed statutory authority or are unnecessary.

SUMMARY: The rules set forth requirements regarding personal injury protection policies, transition rate filings, and general purpose of the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.062, 627.0651, 627.7275, 627.728 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., September 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820 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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-175.004 Required Motor Vehicle Insurance Coverages.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.7275 FS. History–New 11-29-89, Formerly 4-57.004, Repealed.

4-175.005 Collision Coverage Rate Filings.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0651, 627.7275 FS. History–New 11-29-89, Formerly 4-57.005, Repealed.

4-175.031 Purpose.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.728 FS. History–New 4-25-90, Formerly 4-102.001, Amended 1-27-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Greg Jenkins, Bureau of P & C Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Beth Vecchioli, Bureau Chief, P & C Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD:

June 26, 2000

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Definition of “Political Subdivision”	4-176.003
Personal Injury Protection Benefits; Exclusion	4-176.004
Rejection of Florida Motor Vehicle No-Fault Law Transition Endorsement	4-176.009

PURPOSE AND EFFECT: The rules are being repealed as the result of the repeal of the statutory authority for the rules.

SUMMARY: The rules define political subdivisions and provide a personal injury protection exclusion and a transition endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.734(3), 627.730-.7405 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., September 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:

Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820

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 at (850)413-4214

THE FULL TEXT OF THE PROPOSED RULES IS:

4-176.003 Definition of “Political Subdivision.”

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.734(3) FS. History–New 12-8-71, Repromulgated 12-24-74, Formerly 4-27.03, 4-27.003, Repealed.

4-176.004 Personal Injury Protection Benefits; Exclusion.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.734(3) FS. History–New 12-8-71, Repromulgated 12-24-74, Formerly 4-27.04, 4-27.004, Repealed.

4-176.009 Rejection of Florida Motor Vehicle No-Fault Law Transition Endorsement.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.730-.7405 FS. History–New 12-8-71, Repromulgated 12-24-74, Formerly 4-27.10, 4-27.010, Amended 1-27-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Greg Jenkins, Bureau of P & C Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Beth Vecchioli, Bureau Chief, P & C Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD:

July 11, 2000

DEPARTMENT OF INSURANCE

RULE TITLE:	RULE NO.:
Department General Policy Regarding Role of Customer Representatives	4-213.030

PURPOSE AND EFFECT: The rule should be repealed, since subsection (1) is inconsistent with section 626.7351(2), F.S., and subsection (2) is redundant of section 626.7351(2), F.S.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.072, 626.7351, 626.7352, 626.7353, 626.7354 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., September 19, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shirley Kerns, Bureau Chief, Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5405

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-213.030 Department General Policy Regarding Role of Customer Representatives.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.072, 626.7351, 626.7352, 626.7353, 626.7354 FS. History—New 12-19-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shirley Kerns, Bureau Chief, Licensing, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: April 7, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Entering Freshmen
PURPOSE AND EFFECT: Rule 6C-6.002 is amended to include the credit requirements, as prescribed by law adopted during the 2000 Legislative Session.

RULE NO.: 6C-6.002

SUMMARY: The Legislature adopted specific credit requirements for students seeking admission to one of the State's 10 public universities, as described in the rule amendment. In addition, the rule is amended to reflect new ACT test scores effective for Fall 2001 applicants.

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

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1),(4),(5)(a), 240.227(8), 240.115(4), 240.152, 240.233 FS.

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

TIME AND DATE: 12:00 p.m., September 14, 2000

PLACE: The UWF Conference Center, University of West Florida, Pensacola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.002 Entering Freshmen.

(1) through (2) No change.

(3) Students may be considered eligible for admission to any of the state universities in one of the following three ways, except as provided in subsection (4) below:

(a) A student applying for admission who has a satisfactory high school record, including at least a "B" average (3.0 on a 4.0 scale) in the required high school academic units normally offered in grades 9 through 12, and who submits other appropriate evidence that the student can be expected to carry out successful academic progress in the university, is academically eligible for admission to any of the universities. In computing the high school grade point average for purposes of admission to a state university, additional weights will be assigned to grades in Honors, International Baccalaureate, and Advanced Placement courses. The high school academic unit requirements are as follows:

English¹ 4

Three of which must have included substantial writing requirements

Math² 3

At the Algebra I and above levels

Natural Science³ 3

Two of which must have included substantial laboratory requirements

Social Science⁴ 3

Includes: history, civics, political science, economics, sociology, psychology and geography

Foreign Language ⁵	2
<u>Both credits must be in the same language.</u>	
<u>(For the purposes of this admission requirement, American sign language will be accepted in place of a foreign language.) An alternative method for students to demonstrate equivalent foreign language competence by examination to meet admissions requirements is described in Rule 6C-6.004(1)(c).</u>	
Additional Academic Electives <u>as described below</u>	
from the Above Five Subject Areas	<u>4</u>
TOTAL	19

¹Three of which must have included substantial writing requirements

²At the Algebra I and above levels

³Two of which must have included substantial laboratory requirements

⁴Includes: History, Civics, Political Science, Economics, Sociology, Psychology and Geography

~~⁵Both credits must be in the same language. (For the purposes of this admission requirement, American sign language will be accepted in place of a foreign language.) An alternative method for students to demonstrate equivalent foreign language competence by examination to meet admissions requirements is described in Rule 6C-6.004(1)(c).~~

1. The four units of electives may be earned in any of the following ways:

a. successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

b. successful completion of any course identified in the Department of Education course code directory as level three;

c. any combination of the courses identified in points a. and b. above; or

d. successful completion of two credits from courses identified in point a. above, plus no more than two total credits from the following categories of courses:

(I) courses identified in the Department of Education course code directory as ROTC and military training;

(II) courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

(III) any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(b) A student applying for admission who has less than a "B" average in the required academic units described in (a) above, must present a combination of high school GPA and

admission test scores as indicated on the list below. Academic eligibility for admission will be determined according to the following Admissions Scale:

If the High School GPA in the required academic courses equals any entry in this column,

the SAT/Recentered SAT I*/ACT Score must equal or exceed the corresponding entry in the appropriate column below.

	Recentered		
GPA	SAT	SAT*	ACT**
2.0	1,050	1140	25
2.1	1,020	1110	24
2.2	990	1090	<u>24</u> 23
2.3	960	1060	<u>23</u> 22
2.4	930	1030	22
2.5	900	1010	21
2.6	890	1000	21
2.7	880	990	21
2.8	870	980	20
2.9	860	970	20

* SAT taken after March, 1995

** These ACT scores are effective for Fall, 2001 applicants.

Specific Authority 240.209(1) FS. Law Implemented 240.209(1),(4),(5)(a), 240.227(8), 240.115(4), 240.152, 240.233 FS. History—Formerly 6C-2.42, 11-18-70, Amended 5-27-74, Amended and Renumbered 12-17-74, Amended 6-25-80, 3-21-82, 4-16-84, Formerly 6C-6.02, Amended 4-14-86, 4-20-87, 10-19-88, 1-23-90, 1-7-91, 9-15-91, 8-4-92, 5-17-95, 11-27-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Hample, Vice Chancellor, Planning, Budgeting and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule

RULE CHAPTER NO.: 9G-19

Definitions	9G-19.002
Base Grant Eligibility	9G-19.004
Competitive Awards Eligibility	9G-19.007
Procedures for Awarding Competitive Grants	9G-19.008
Selection Criteria for Competitive Grants	9G-19.009

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendments of the above listed rules is to make the grant submission and awarding process less cumbersome to all parties involved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 252.373, 252.35 FS.

LAW IMPLEMENTED: 252.373, 252.35, 252.38 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m. – 11:00 a.m., September 11, 2000

PLACE: Room 120L, Sadowski Building, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact the Administrative Secretary; Division of Emergency Management, Bureau of Compliance Planning; 2555 Shumard Oak Boulevard, Tallahassee, FL 32399 or (850)413-9821 Suncom 293-9821 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Edgar Gonesh, Planning Manager, Finance and Logistic Section, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, 850-413-9894 or Suncom 293-9894

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-19.002 Definitions.

(1) through (9) No change.

(10) "Match" means, for purposes of the competitive grant programs only, contributions, both cash and in-kind, which meet ~~all of~~ the following requirements:

(a) are verifiable from the applicant's official records;

(b) are not ~~used included~~ as required local contributions for any other state or federally assisted programs;

(c) are necessary and reasonable for proper and efficient accomplishment of the emergency management project objectives, as specified in the application;

(d) are allowable under OMB Circular A-87, and conform to OMB Circular A-102;

~~(e) are not provided by the State or Federal government under another assistance agreement unless authorized under that other agreement and the applicable laws, rules and regulations;~~

~~(e)(f)~~ are provided for in the approved project budget; ~~and~~ ~~(f)(g)~~ if indirect costs, have been approved ~~are pre-approved~~ by the Division and are directly attributable to the project;

~~(g)(h) all costs submitted by the applicant as project match must represent an unconditional a firm commitment of currently available funds, i.e. an obligation of currently available capital contingent only upon nothing other than the award of a grant from the Program; Conditional commitments will not be recognized as "match." All appropriate records supporting the applicant's claim for project match must be created, retained and available for public inspection, and supplied with the application;~~

(h) if the contributions are in-kind, the contributions are directly related to the project; and

(i) if the contributions are in-kind and consist of property, the contributions are based upon the actual value of the property, with allowance for depreciation. The value of employment time or equipment rental claimed as project match shall be identified specifically to the proposed project. All records supporting the treatment of a contribution as project match must be maintained and made available for public inspection, and must be furnished with the proposal.

(11) through (20) No change.

(21) "State agency" means each separate agency or unit of Florida state government, as opposed to local government, created or established by law, and includes the Fish and Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~, Water Management Districts and the Department of Military Affairs.

(22) No change.

(23) "Application", means the original 15 page summary that will be submitted at or before the published application deadline, and will consist of the transmittal letter, table of contents, criteria narrative, and proposed budget only.

(24) "Proposal", means the full presentation that will be completed by all awarded applicants in a specific time frame, to be sent to the Division of Emergency Management with complete documentation.

Specific Authority 252.373, 252.35 FS. Law Implemented 252.373, 252.35, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, _____

9G-19.004 Base Grant Eligibility.

(1) No change.

(2) Counties with population in excess of 75,000 ~~50,000~~ shall have a Full-time Director in order to qualify for an allocation.

(3) Counties with a population less than 75,000, ~~50,000~~ or which are parties to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), Florida Statutes, shall have an emergency management coordinator or a full-time director in order to qualify for an allocation.

(4) No change.

Specific Authority 252.373, 252.35 FS. Law Implemented 252.373, 252.35, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, _____.

9G-19.007 Competitive Awards Eligibility.

(1) Non-recurring Competitive Awards may be made to state, regional and local governments and nonprofit organizations under the Emergency Management Competitive Grant Program and to Municipal Emergency Management Programs under the Municipal Competitive Grant Program. "Municipal Emergency Management Program" means an emergency management program authorized, established and maintained by a legally constituted municipality in Florida, which has signed the current Statewide Mutual Aid Agreement and supplied all required information and documentation such that it is ready to be signed by the Division as of the date of the application deadline.

(2) through (3) No change.

(4) Under the Municipal Competitive Grant Program, each Municipal Emergency Management Program may apply for one competitive grant not to exceed \$50,000. Joint applications by two or more municipalities shall be permitted, however the total award for any municipality application shall be limited to \$50,000.00. Under the Emergency Management Competitive Grant Program, eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$300,000. Each Florida state or regional planning agency, each private non-profit organization, and each municipality shall be limited to no more than three (3) submissions in an application cycle.

(5) The Division shall administer the competitive grants once awarded. All applicants awarded funding must submit to the Division a proposal as defined in Rule 9G-19.002(24). All awards shall be embodied in a written grant agreement. All awards shall be contingent upon commitment to and performance of a scope of work identified by the Division. The scope of work shall be based upon the project(s) identified in the grant application. The agreement shall provide for reimbursement of costs up to the fixed amount of the award. Failure to agree to, execute or comply with the terms of the grant agreement shall constitute noncompliance.

(6) through (7) No change.

Specific Authority 252.373, 252.35 FS. Law Implemented 252.373, 252.35, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-14-98, _____.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 006, May 2000, ~~June 1998~~ version, ~~Form 005~~ which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008.

(4) Application packets may be obtained from the website as identified in the Application Packet or from the Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attention: EMPATF Program. Requests should specify the Competitive Grant Program Application Packet.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures: ~~All applications shall be complete, accurate, and legible when submitted or they shall be rejected and shall not be scored. Applicants submitting proposals prior to the application deadline will receive a preliminary technical review. Application proposals submitted for preliminary technical review must be received a minimum of 21 days prior to the noticed application deadline. The submitted proposal must be complete. No draft documents will be accepted. Such reviews will not be conducted on the substantive or factual aspects of the submitted proposal but rather will deal with eligibility, category selection, format, completeness, signature authority, budget and matching fund calculations, and other technical information. No preliminary scoring will be conducted during the preliminary technical review process. Applicant will receive feedback from the Division regarding any determinations made during the preliminary technical review process. If the preliminary technical review results in recommendations for revision or additional information, it is the Applicants responsibility for making such changes and for resubmitting the appropriate number of copies of a new, corrected and complete application prior to the noticed deadline for submission. No application may be revised, supplemented, or otherwise modified after 4:00 p.m., Local Time, on the noticed application deadline date, except upon the request of the Division, when necessary to clarify or explain information submitted prior to the deadline, or when necessary to meet the effects of the Department's offer to provide less than the requested amount of funding.~~

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 006, May 2000 Version.

(b) All applications shall be complete, accurate and legible when submitted.

(c) Any applicant may receive a preliminary technical review of its application by submitting the application not later than twenty-one (21) days before the published application deadline. Preliminary technical review shall be limited to signature authority, technical conformity to the instructions in the Application Packet, and other technical requirements. No application will be scored or otherwise evaluated for content during preliminary technical review. The Division will inform the applicant of any technical deficiencies in the application by telephone or telecopier not later than ten (10) days in advance of the published application deadline to give the applicant an opportunity to cure them before the deadline.

(d) All applications shall be submitted not later than 4:00 p. m. Eastern Time on the date of the published application deadline. With the exception in paragraph (e) of this rule, no application may be amended, added to, or otherwise modified after 4:00 p. m. Eastern Time on the date of the published application deadline, other than to provide clarifying information as requested by the Division.

(e) The Division shall inform the applicant by telephone or telecopier not later than five (5) days after the date of the published application deadline if it intends to reject the application for failure to provide evidence of signature authority with the application, for technical noncompliance with the instructions in the Application Packet, or for noncompliance with other technical requirements. Notwithstanding any provision to the contrary elsewhere in this rule chapter, the applicant shall then have up to fifteen (15) days from the date of the published application deadline or to the close of the next business day thereafter to supplement its application with adequate written evidence of signature authority or to cure any other technical deficiencies.

(6) An original and five (5) copies of the application shall be submitted, unless submitted on-line and then one copy in a format and software as prescribed in the application packet shall be submitted.

(7) Applications submitted shall be executed by the chief elected official or the chairman of the governing board unless this authority has been delegated to the chief executive officer or other government official, who shall then endorse the application. Evidence of the delegation of authority shall be supplied with the application. If the governmental entity does not have a governing board or chief elected official, then the application shall be executed by the chief administrative officer and evidence of his or her authority to bind the governmental entity shall be supplied with the application. If the Applicant is not a governmental entity, then the application shall be executed by the governing board, or, if there is no governing board, then the application shall be executed by the chief executive officer. If the application is transmitted on-line, then a hard copy of the title page containing the original

authorized signature must be submitted by mail, and must be received by the Division by the published application deadline date.

(8) Applications shall be rejected if:

(a) The Applicant has been found to have engaged in fraudulent actions or misrepresented facts in connection with the application;

(b) The Applicant had previously been found to have engaged in fraudulent actions or misrepresentations within three years of the Notice of Fund Availability;

(c) The application has not been submitted in accordance with the Application Packet and the accompanying instructions provided by the Division, or achieved the required threshold, or does not otherwise comply with this rule chapter;

(d) The project is inconsistent with the purposes of the Program or does not conform to the application requirements specified in this rule chapter;

~~(e) The Applicant fails to achieve the threshold requirements as detailed in the Application Packet and this rule chapter;~~

~~(e)(f)~~ The application is not received before 4:00 p.m., Eastern Time, on the noticed application deadline date; or

~~(f)(g)~~ The Applicant has been notified that it is not in compliance with the terms and conditions of any open contractual agreement from any a-prior-award funding administered by the Division.

~~(g)(h)~~ The applicant is ineligible.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, _____.

9G-19.009 Selection Criteria for Competitive Grants.

(1) The review committee shall review all applications that are received by the noticed application deadline and that comply with the application procedures and requirements set forth in this rule. Applications that are either not received by the noticed application deadline or that do not comply with the application procedures and requirements set forth in this rule shall be rejected. Received means delivery by hand, certified mail, electronically transmitted (disk or on-line) or courier to the location designated in the Notice of Fund Availability no later than 4:00 p.m., Local Time, on the final day of the application period. Facsimile transmissions ~~and electronic transmissions~~ shall not be accepted.

(2) through (3) No change.

(4) In the event of a tie, the review committee shall give first priority to the application which provides the largest amount of cash match of other funds for the project, and, if a tie still results, then preference shall be given in accordance with Section 18, Chapter 92-132, Laws of Florida, to the project exclusively located or to be performed in a county or municipality which has been adversely affected by an

environmental cleanup initiative conducted by the state, or is located in a Front Porch Community or is designated as an Area of Critical State Concern by the Florida Legislature.

(5) No change.

(6) Applications shall be awarded points and ranked using the following criteria:

(a) Extent to which the proposed project is consistent with and furthers the State Comprehensive Emergency Management Plan and the applicable local comprehensive emergency management plan or plans. [Maximum score 100 points]

~~(b) For projects enhancing emergency management capabilities of state, local or private non-profit organizations in Florida, the number of emergency management personnel whose emergency management needs will be directly benefitted by the project; for all others, the number of persons in the target population in Florida directly benefitting from the project. [Maximum score 50 points]~~

~~(b)(e)~~ Proposed project method and approach. [Maximum score ~~100~~ 50 points]

~~(c)(d)~~ Amount of eligible match supplied by the applicant for the proposed project. [Maximum score 50 points]

~~(d)(e)~~ Experience and ability applied to the project. [Maximum score 25 points]

~~(e)(f)~~ Immediacy of tangible emergency management benefits (short term projects, i.e. – less than 12 months in duration), or, long term emergency management benefits coupled with the availability of resources to continue implementation of the project past the term of the award (long term projects, i.e. duration of 12 months or longer). Identify the emergency management organizations or the targeted population area whose emergency management needs will be directly benefitted by the project or both if applicable. [Maximum score ~~75~~ 50 points]

~~(f)(g)~~ Extent to which the proposed project addresses a demonstrated emergency management need. [Maximum score 50 points]

~~(g)(h)~~ Extent to which the proposed project addresses an emergency management priority, as identified in the Notice of Fund Availability. [Maximum score 100 points]

~~(i) Extent to which the proposed project meets a demonstrated emergency management need or priority within a jurisdiction included within a presidential disaster/emergency declaration within the 24 months prior to the date of the Notice of Fund Availability. [Maximum score 25 points]~~

(7) through (8) No change.

Specific Authority 252.35, 252.373, FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edgar Gonesh, Planning Manager, Finance and Logistic Section, Division of Emergency Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suzanne Adams, Community Program Administrator, Division of Emergency Management
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: Standing and Special Committees
RULE NO.: 29C-1.008

PURPOSE AND EFFECT: In order to limit the need to hold emergency meetings of the full Council to deal with routine review items, the Council needs to amend its organizational rule to delegate certain review and comment functions to its Clearinghouse Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 186.505(1) FS.

LAW IMPLEMENTED: 163.01, 163.3164(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE FULL TEXT OF THE PROPOSED RULE IS:

29C-1.008 Standing and Special Committees.

(1) There shall be maintained four standing committees as follows:

(a) Executive Committee.

1. The Executive Committee shall be composed of the Council officers and the immediate past-Chairman, or another Council member selected by the Board if the immediate past-Chairman is not a member of the Council, and one additional member selected by the Council.

2. The Executive Committee shall have the duty to conduct the business of the Council between regular meetings and advise the Council of matters of day-to-day operations. Any action taken by the Executive Committee between regular meetings shall be placed on the agenda to be voted on at the next regularly scheduled meeting.

3. In the event the Board of Directors fails to assemble a quorum for the purpose of transacting business at any regular or called meeting, or when the Board is acting on behalf of the

Council, as provided in Rule 29C-1.007(6), the Executive Committee is authorized to act on behalf of the Board at the time and place of a scheduled meeting. Actions of the Executive Committee shall be final.

4. The Executive Committee shall also act as the Personnel Committee for the Council.

(b) Finance Committee:

The Finance Committee shall be composed of two (2) Board members selected by the Chairman and the Secretary-Treasurer who shall be Committee chairman. The purpose of the Finance Committee shall be to develop and to recommend to the Council an annual budget. The Committee shall also, at least quarterly, report to the Council regarding its fiscal condition, and as to whether the fiscal policies are being observed.

(c) Program Committee:

The Program Committee shall be composed of eight members appointed by the Chairman, and the Vice-Chairman who shall be Committee Chairman. The purpose of the Program Committee shall be to develop and recommend policy statements and an Annual Work Program to the Council for consideration.

(d) Clearinghouse Committee:

The Clearinghouse Committee shall be composed of nine (9) Council members appointed by the Chairman and approved by the Council. The Committee shall have the following responsibilities:

- ~~1. To review applications for applicable federal grants and loans;~~
- ~~2. To comment on the relationship of proposed federally aided projects to areawide plans;~~
- ~~3. To research pending applications for federal aid within the Council jurisdiction;~~
- 1.4. To review Developments of Regional Impact and make recommendations to the Council for final action;
- 2.5. To review proposals to nominate for consideration possible Areas of Critical State Concern and make recommendations to the Council for final action;
- 3.6. To review proposed comprehensive plans or amendments thereto of local governments and make recommendations to the Council for final action, except in the case of local plans and amendments which require action prior to the next regular meetings of the Council, in which case, the Committee is delegated the responsibility for forwarding comments, recommendations or findings to the Florida Department of Community Affairs and local government; and
- 4. To provide policy oversight to staff reviews of proposals/projects submitted to the Council for review pursuant to Presidential Executive Order 12372 and Gubernatorial Executive Order 83-150, the Intergovernmental Coordination and review (IC&R) Process.

~~The composition and rules of procedure for the Clearinghouse Committee shall be developed procedures where necessary to guide actions of the committee and staff by that Committee's membership and presented the proposed procedures to the Council for approval.~~

(2) Special, Ad Hoc or Advisory Committees:

The Council shall establish and maintain such Special and Ad Hoc Committees as it deems necessary to carry out the purposes and objectives of the Council. Special Ad Hoc or Advisory Committees shall be created or dissolved by the Chairman subject to approval of the Council

Specific Authority 186.505(1) FS. Law Implemented 163.01, 163.3164(5) FS. History--New 9-24-75, Amended 5-24-79, 4-10-80, 1-8-81, 5-19-85, Formerly 29C-1.08, Amended 4-9-86, 9-3-90, 1-26-92, 8-23-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles F. Justice, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: North Central Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Control of Contraband	33-602.203
Routine Mail	33-602.401
Legal Documents and Legal Mail	33-602.402
Privileged Mail	33-602.403

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide relevant forms, clarify the responsibilities of inmates with regard to notifying correspondents of applicable rules, and clarify what constitutes and procedures relating to routine, legal, and privileged mail.

SUMMARY: The proposed rules: define what items are permitted and prohibited for routine, legal, and privileged mail; establish procedures for cash and cashiers checks contained in mail; clarify the bases upon which mail will be disapproved; clarify procedures for contraband mail; prohibit the use of handmade envelopes and packages; clarify the definition of what constitutes legal mail and provide procedures for mail disapproved as legal mail; clarify time limits for delivery of mail; clarify time limits for delivery of legal mail to inmates transferred to other institutions or released; and establish procedures relating to costs for the mailing of legal mail for indigent inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11, 944.47, 945.215 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Giselle Lylen Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.203 Control of Contraband.

(1) through (6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b) through (d) No change.

(e) If items of contraband are detected in the mail, that are not of any illegal nature (other than cash concealed within mail), the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures (33-602.401, Routine Mail; 33-602.402, Legal Documents and Legal Mail; and 33-602.403, Privileged Mail).

(f) If cash found in any mail is not in plain view, it will be considered contraband and deposited in the inmate welfare trust fund.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road,

Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b)1. through 4. No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, _____.

33-602.401 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts or cards which are constructed in such a way as to permit concealment of contraband will not be permitted.

(b) Up to 5 pages of additional written materials. Each page can be no larger than 8 1/2 x 11 inches in size; material can be on both sides of a page. This does not include bound publications which will be handled pursuant to rule 33-501.401. Individual newspaper or magazine articles or clippings or clippings from other publications are permissible, up to the 5 page limit. No item can be glued, taped, stapled or otherwise affixed to a page.

(c) Photographs. Photographs will be counted toward the 5 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted.

(d) Cashiers checks, certified bank drafts or money orders. These items do not count toward the 5 page limitation for additional materials. Note: pursuant to rule 33-203.201, persons sending money to inmates should send the funds directly to the service center for deposit and should not enclose them with routine mail. Funds enclosed in routine mail must be forwarded by the institution to the service center for deposit, resulting in delay of the inmate's access to the funds.

(e) Self-addressed stamped envelopes. These items do not count toward the 5 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 ounce) first class stamps.

(f) Blank greeting cards, stationery or other blank paper or envelopes. These items do not count toward the 5 page limitation for additional materials, but cannot exceed 10 in number.

(g) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 5 page limitation for additional materials.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature or cash concealed within the correspondence), the entire correspondence will be returned to

the sender pursuant to paragraph (11) of this rule. For example, the following items are not permissible for inclusion in routine mail:

(a) Non-paper items;

(b) Items of a non-communicative nature such as lottery tickets or matchbooks;

(c) Stickers or stamps (other than postage stamps);

(d) Address labels;

(e) Laminated cards or other laminated materials.

(4) Inmates shall be responsible for informing correspondents of the regulations concerning incoming routine mail.

(5)(2) Any routine mail sent or received may be opened, examined and read by a designated employee. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than ~~48~~ 24 hours, excluding weekends and holidays.

(6)(3) No change.

(7)(4) Correspondence with inmates of other penal institutions shall be subject to the approval of the warden of each institution. Either warden shall ~~may~~ withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order or rehabilitative objectives of his institution.

(8)(5) No change.

(6) through (6)(j) renumbered (9) through (9)(j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Is not in compliance with incoming mail regulations set forth in paragraphs (2) and (3) of this rule (incoming mail only); or

(m)(k) otherwise presents a ~~clear and substantial~~ threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

(10)(7) No change.

(11)(8) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail

(other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC6-222 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(9) through (10) renumbered (12) through (13) No change.

(14)(11) Cashier's checks, certified bank drafts and money orders found in incoming mail shall be forwarded to the service center to be deposited in the inmate's account in the Inmate Trust Fund pursuant to rule 33-203.201. ~~Cash and Uncertified~~ bank drafts will not be accepted and will be returned to the sender. Cash found in plain view in incoming mail will be returned to the sender. However, if cash is concealed within the mail, such as hidden between the layers of the cover of a greeting card, the cash will be considered contraband and will be deposited in the Inmate Welfare Trust Fund. The department is not responsible for any cash sent through the mail.

(15)(12) No change.

(16) Inmates shall not utilize hand-made packages or envelopes to send out routine mail. Mail enclosed in such materials will be returned to the inmate without processing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, _____.

33-602.402 Legal Documents and Legal Mail.

(1) All inmates shall have a right of unhindered access to the courts. No provision of this rule shall be applied in such a way as to conflict with any rule of court. In any filings or correspondence with state courts, inmates are restricted by s. 92.351, F.S., to mailing paper documents only, unless prior authorization is obtained from the court for inclusion of non-paper materials. No non-paper materials will be forwarded to the court until the inmate presents a court order authorizing the mailing of non-paper documents to the court. Inmates shall be given ample time in which to prepare petitions and other legal documents. These documents will be processed promptly subject to the procedures outlined in this rule.

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

(f) Mail to and from Agency Clerks.

(g) Mail to and from government attorneys.

(3) No change.

(4) Inmates shall ~~may~~ be allowed to prepare legal documents and legal mail in their living quarters. Additionally, some institutions may designate other areas specifically for this purpose.

(5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications) and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in 33-602.401(2):

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings or other written materials of a non-legal nature.

3. Photographs, unless related to the inmate's criminal case. If related to the criminal case, the photographs shall still be subject to restriction based on content if the photographs present a threat to the security or order of the institution or the rehabilitative interests of the inmate. Polaroid photographs are prohibited.

4. Cashiers checks, certified bank drafts, or money orders. (See also rule 33-203.201 for deposit procedures).

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(b) The following items which are prohibited for receipt in routine mail are also not permissible for inclusion in legal mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps);

4. Address labels;

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing their legal correspondents of the regulations concerning incoming legal mail.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC6-222 is incorporated by reference in rule 33-602.401.

(8)(a)(6) All outgoing and incoming legal mail will be forwarded unopened when it can be determined from the envelope that the correspondence is legal mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:

(a) opened for inspection in the presence of the inmate. Only the signature and letterhead may be read; or

(b) held for a reasonable time pending verification that it was sent by or is properly addressed to a person or agency listed in subsection (2). Mail identified as being a communication from an attorney to a client will not be opened unless articles other than mail are detected therein.

(b)(e) If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (8)(6) of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(c) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours, excluding weekends and holidays.

(9)(7) Inmates shall be allowed to purchase and receive legal material (such as law books) at their own expense, limited only by the amount of space available to the inmate for the storage of such items. Inmates shall be allowed to keep legal material in their quarters subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing.

(10)(a)(8) No change.

(b) At the time that copies or postage are provided to an inmate for this purpose, the business office shall place a hold on the inmate's account for the cost of the copies or postage. The cost of providing the copies or postage shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account, subject to priorities of other liens, and all subsequent deposits to the account will be applied against the unpaid costs until the debt has been paid.

(9) through (10) renumbered (11) through (12) No change.

(11) Each warden shall issue an institutional operating procedure to effectuate the provisions of this rule, which will cover the following outline:

(a) The location or locations designated where legal documents and mail may be prepared and times available for use of these areas.

(b) The specific procedure whereby legal materials can be received and stored.

~~(c) Specify that the inmate is responsible for notifying attorney and courts not to enclose money orders and checks in envelopes with other legal mail.~~

~~(d) Specify any other information deemed necessary for the preparation of legal documents by inmates.~~

(12) through (13) renumbered (13) through (14) No change.

~~(15)(14)~~(a) Anytime legal mail is received for an inmate who has been transferred within the Department, the institution will return the correspondence within 5 ~~10~~ working days to the post office with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the legal mail, regardless of the class, to the transferred inmate's new institutional assignment, the Department will pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

(b) Anytime legal mail is received for an inmate who has been released from the Department, it shall be returned to the post office within 5 ~~10~~ working days with a forwarding address, if available, and a request will be made to postal authorities to forward the legal mail to the former inmate. If there is no available forwarding address, all legal mail shall be returned to the sender.

~~(16)(15)~~(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC6-256 ~~DC3-321~~. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC6-256 ~~DC3-321~~ is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of the form is February 15, 1998.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by rule 33-602.402~~(15)(14)~~, Form DC6-256 ~~DC3-321~~ shall be completed as required in 33-602.402~~(16)(15)~~(a), except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99,_____.

33-602.403 Privileged Mail.

(1) No change.

(2) Inmates shall be allowed to receive only written correspondence and self-addressed stamped envelopes in privileged mail.

(a) The following items are not permissible for inclusion in privileged mail, but are permissible for routine mail along with other materials listed in 33-602.401(2):

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings;

3. Photographs;

4. Cashiers checks, certified bank drafts or money orders (see also rule 33-203.201 for deposit procedures);

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps;

(b) The following items which are prohibited for receipt in routine mail are not permissible for inclusion in privileged mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps);

4. Address labels;

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing all correspondents of the regulations concerning privileged mail.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC6-222, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC6-222 is incorporated by reference in rule 33-602.401.

~~(4)(2) All outgoing and incoming privileged mail shall be forwarded unopened when it can be determined from the envelope that the correspondence is privileged mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:~~

~~(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read; or~~

~~(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a public official, a governmental agency or a member of the news media. Incoming and outgoing privileged mail that is properly~~

addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours, excluding weekends and holidays.

(3) through (5)(a) renumbered (5) through (7)(a) No change.

(b) Upon receipt of privileged mail, if there is a question that it is privileged mail, the mail shall be opened in the presence of the inmate to confirm that it is privileged mail. If it is confirmed to be privileged mail, it shall be delivered to the inmate. If the mail is not ~~bona fide~~ privileged mail, it shall be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(3)(2)~~ and ~~(7)(5)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(c) Anytime privileged mail is received for an inmate who has been released from the department, it shall be returned to the post office within 5 ~~10~~ working days with a forwarding address, if available, and a request shall be made to postal authorities to forward the privileged mail to the former inmate. If there is no available forwarding address, all privileged mail shall be returned to the sender.

(d) No postage or writing materials shall be provided to inmates for privileged mail, however the postage and writing materials provided in 33-602.401~~(15)(12)~~ may be used for this purpose.

(e) Inmates shall not utilize home-made envelopes or packages to send out privileged mail. Mail enclosed in such materials will be returned to the inmate without processing.

~~(8)(6)(a)~~ All incoming privileged mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC6-256 ~~DC3-321~~. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC6-256 ~~DC3-321~~ is ~~hereby~~ incorporated by reference in rule 33-602.402. ~~Copies of the form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of the form is February 15, 1998.~~

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by rule 33-602.403~~(7)(5)~~, Form DC6-256 ~~DC3-321~~ shall be completed as required in 33-602.403~~(8)(6)(a)~~, except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: ADOPTION BENEFITS FOR STATE AND WATER MANAGEMENT DISTRICT EMPLOYEES RULE CHAPTER NO.:

ADOPTION BENEFITS FOR STATE AND WATER MANAGEMENT DISTRICT EMPLOYEES 60L-25

RULE TITLES: PURPOSE AND EFFECT: The rules implement s. 110.152, F.S., which provide monetary benefits for state and water management district employees who adopt a "special needs" child or a child not defined as "special needs".

Purpose 60L-25.001

Authority 60L-25.002

Definitions 60L-25.003

Benefits 60L-25.004

Program Administration 60L-25.005

SUMMARY: Establishes the eligibility criteria and administration of adoption benefits for state and water management district employees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.152 FS.

LAW IMPLEMENTED: 110.152 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., September 13, 2000

PLACE: Room 380M, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anna Gray, State Employee Benefits and Training Program Manager, 4040 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-25.001 Purpose.

The purpose of this rule is to specify the criteria for eligibility and administration of adoption benefits for eligible state and water management district employees.

Specific Authority 110.152 FS. Law Implemented 110.152 FS. History--New

60L-25.002 Authority.

Section 110.152, Florida Statutes, authorizes the Department of Management Services to establish a rule providing for adoption benefits.

Specific Authority 110.152 FS. Law Implemented 110.152 FS. History--New

60L-25.003 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) "Agency Head" means the chief executive of the State entity or governing board of a Water Management District, that employs the eligible applicant, or such person's designee.

(2) "Child" means a person who, upon final order of adoption, is under the age of eighteen.

(3) "Department" means the Department of Management Services.

(4) "Eligible Adoption" means the adoption of a "special needs child," or a child who does not meet the criteria of "special needs," provided that a final order of adoption is awarded on or after October 1, 2000.

(5) "Eligible Applicant" means a full-time or part-time state officer or employee of any branch of state government or a water management district who, at the time of adoption and application for this benefit, holds a regular established position. Applicants adopting foreign-born children are included in this definition provided that they submit a copy of a final order of adoption from a court of competent jurisdiction in the United States.

(6) "Special-Needs Child" is a child whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency and who is not likely to be adopted because he or she is:

- (a) Eight years of age or older;
- (b) A person with a developmental disability;
- (c) A person with a physical or emotional handicap;
- (d) Of a minority race or of a racially mixed heritage; or
- (e) A member of a sibling group of any age, provided that two or more members of a sibling group remain together for the purposes of adoption.

Specific Authority 110.152 FS. Law Implemented 110.152 FS. History--New

60L-25.004 Benefits.

(1) An employee who makes application within 1 year of the adoption date on the final order of adoption shall be eligible for the following benefits:

(a) A monetary benefit in the amount of \$10,000 per child for adoption of a "special-needs child". Payment of this benefit will be in the form of an initial lump sum amount of \$5,000, with the remaining \$5,000 payable in equal monthly installments over a 2-year period.

(b) A monetary benefit in the amount of \$5,000 per child for adoption of a child other than a "special-needs child". Payment of this benefit will be in the form of an initial lump sum amount of \$3,000, with the remaining \$2,000 payable in equal monthly installments over a 2-year period.

(2) An adoption benefit is payable per child for each eligible adoption.

(3) The monthly installments shall commence in the calendar month immediately following the calendar month in which the lump sum payment is paid to the eligible applicant.

(4) An eligible applicant shall be granted a parental leave of absence in accordance with Section 110.221, F.S., provided that such employee continues to reside in the same household as the child during the period covered by the leave.

(5) The adoption benefit is in addition to any benefit the employee may be eligible to receive pursuant to Section 409.166, F.S., or any other statute that provides financial incentives for the adoption of children.

(6) The adoption benefit is a non-qualified plan and, as such, shall be considered taxable income subject to withholding taxes (FICA, Social Security and Medicare).

(7) The agency head must notify the Department in the event of the employee's termination from employment or death. The monthly installments for the remainder of the benefit may continue to be paid to former employees or, in the event of an employee's death, may be paid in a lump sum to that employee's estate.

(8) Part-time employees shall receive pro-rated benefits based on the employee's full-time equivalency (FTE) status at the time of application.

Specific Authority 110.152 FS. Law Implemented 110.152 FS. History--New

60L-25.005 Program Administration.

The Department shall administer the appropriated funds for the purpose of distributing this benefit to eligible employees.

(1) For each child adopted, an eligible applicant shall apply separately to the agency head for this benefit using the Department's Application for Adoption Benefits Form No. DMS.EPE.ADP, created in October, 2000, which is hereby incorporated by reference, and shall include a certified copy of the final order of adoption naming the applicant as an adoptive parent. The agency head will forward all applications to the Department which shall review all applications and, upon

verification of eligibility, disburse the appropriate benefit on a first come, first served basis until all that year's appropriated funds are encumbered.

(2) When all the current fiscal year appropriated funds are encumbered, no further applications for adoptions shall be processed for the remainder of that fiscal year. The Department shall notify all agencies when the appropriation is depleted and the names of applicants who will be asked to update and resubmit their application.

(3) Applications in excess of available funds for a given fiscal year shall be updated and resubmitted in the next fiscal year in order to be considered for payment. Upon verification of eligibility, such applications shall be given first consideration for benefits from that year's appropriation.

(4) In the event that, during the two-year payment period, the employee or former employee loses or relinquishes custody of the child due to one or more of the following conditions, such individual shall no longer be eligible for these benefits:

(a) the child is removed from the employee's care and custody as a result of a judicial finding; or

(b) the employee voluntarily relinquishes custody.

(5) Where applicable, the Department shall verify the custodial status of the employee or former employee through the Department of Children and Families.

Specific Authority 110.152 FS. Law Implemented 110.152 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon D. Larson, Director, Human Resource Management,
Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Michael T. Cochran, Deputy
Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 7, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Employee Leasing Companies

RULE TITLE: Delinquent License Fees

RULE NO.: 61G7-5.006

PURPOSE AND EFFECT: The Board proposes to update this rule, remove redundant language, and change the title so that the rule conforms more to the Statute.

SUMMARY: This rule sets forth how a delinquent license may be returned to active status with payment of biennial license renewal fee plus a delinquent fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522, 468.528 FS.

LAW IMPLEMENTED: 468.528 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD.)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.006 Delinquent ~~Inactive~~ License Fees ~~Renewal~~.

~~(1) In the event any licensee fails to renew the license, the license shall automatically become delinquent.~~ A license delinquent 30 or less days may be returned to active status by the payment of the biennial license renewal fee plus a delinquent fee of \$300.00.

~~(2) A license delinquent more than 30 days shall become void without further action by the Board.~~

Specific Authority 468.522, ~~468.528~~ FS. Law Implemented 468.528 FS. History--New 4-25-94, Amended 8-17-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Employee Leasing
Companies

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 7, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Employee Leasing Companies

RULE TITLE: Definitions

RULE NO.: 61G7-6.001

PURPOSE AND EFFECT: The Board substantially reworded rule 61G7-6.001 to include all definitions relevant to the Chapter of the rule.

SUMMARY: The Board substantially reworded this rule in order to have all terms defined under one rule number.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.520, 468.522, 468.525(b) FS.
LAW IMPLEMENTED: 468.520, 468.525(4), 468.529(1) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G7-6.001 follows. See Florida Administrative Code for present text.)

61G7-6.001 Definitions Employee Leasing.

(1) "Actively involved" means the actual exercise of duties on behalf of an employee leasing company. Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, through direct or indirect control of 50 percent or more of the voting securities of an employee leasing company, is deemed actively involved.

(2) "Arrangement" means the aggregate of any contracts or agreements between an admitted carrier and the employee leasing company related to the issuance of a policy of insurance for a health plan.

(3) "Assumes responsibility for the payment of wages" as used in s. 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of employment established with an employee relating to the payment of wages of the employee. At a minimum, such an agreement shall require compliance with the Fair Labor Standards Act, 29 U.S.C.A. Sections 201, et seq., 29 C.F.R. Sections 500-899, by the employee leasing company.

(4) "Controlling person" means any individual owning (in accordance with attribution rules of section 1563 of the Internal Revenue Code) or otherwise controlling the vote of more than 50% of the stock of an employee leasing company, or any officer who is actively involved in the day-to-day operation of the business of an employee leasing company and authorized to act in behalf of such company, as well as any other persons authorized by an employee leasing company to enter into a contractual relationship with a client company on behalf of the employee leasing company. Commencing October 1, 1992, licensure as a controlling person will authorize a controlling person to engage in business from

offices in this state and to enter into a contractual relationship with a client company on behalf of an employee leasing company, provided the employee leasing company, for which the controlling person is working or on whose behalf the controlling person is entering into a contractual relationship, is licensed as an employee leasing company. Licensure as a controlling person will not authorize such controlling person to act as an employee leasing company without an employee leasing company license.

(5) "Employment responsibilities" means all those responsibilities generally incumbent on an employer, including payment of wages and taxes and the right to hire, direct, control, discipline, and terminate employees.

(6) "Full Responsibility" means complete and total responsibility for the collection of and payment of all payroll taxes which are payable to the Internal Revenue Service and/or to the State of Florida for services performed by leased employees as leased employees.

(7) "Health benefits or health plan," as used in § 468.529, F.S., means provision of comprehensive major medical health benefits.

(8) "Intangible assets" means assets that lack physical substance. The value of intangible assets is generally based on the value of the rights inherent in them or results from allocation of costs incurred to future periods, in which case they have no realizable or recoverable value outside of their ability to benefit future earnings in the normal course of operations. Intangible assets are normally subject to amortization. Examples of intangible assets include goodwill, copyrights, trademarks, patents, organization costs, deferred costs, client enrollment costs, and excess of assets acquired over purchase price.

(9) "Long-term ongoing nature" means a situation where a client company and an employee leasing company arrange for leased employees to do more than supplement the client company's workforce in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. This definition in no way is meant to alter the concept of at-will employment.

(10) "Primarily responsible" means that the admitted carrier is liable for all claims incurred under the plan of insurance during its effective period, regardless of any reimbursement or indemnification agreement between the licensed employee leasing company and the carrier. Any reimbursement or indemnification agreement between the employee leasing company and the admitted insurance carrier shall not limit or diminish the carrier's primary responsibility for its obligations under the health plan for the payment of claims incurred or the provision of benefits under the health plan.

(11) "Responsibility for performing safety inspections," as used in s. 468.525(4)(e)1., F.S., means that the responsibility for performing such inspections for leased workers' safety is shared by both the employee leasing company and the client company. It does not mean sole and unilateral responsibility on the part of the leasing company and should not relieve the client company from responsibilities for its own actions or inactions or responsibility as owner, lessor, or operator of equipment and premises being utilized by the leased employees.

(12) "Shared responsibility" means that the client company exercises such right of direction and control over the leased employee as is necessary to conduct its business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility which it may have, or comply with any applicable licensure, regulatory, or other responsibilities the client company may have.

(13) "Tangible accounting net worth" means net worth presented in accordance with generally accepted accounting principles as defined in Rule 61H1-20.007, F.A.C., reduced by the aggregate amount of intangible assets.

(14) "Temporary" means a situation in which leased employees are not needed on a long-term, ongoing basis, but rather are only needed to support or supplement the client company's work force in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, for a period not to exceed one year.

(15) "Worksite" means the location within the State of Florida where the leased employee performs the job or function for which the employee was leased to a client. In a situation where more than one employer works at a worksite, only the workforce under the direct supervision and control of the client company and the employee leasing company shall be considered in determining majority status at a client company worksite. In a situation where an employee travels to various locations, worksite will be that location within the State of Florida where the employee is based, receives supervisory direction, or receives remuneration.

Specific Authority 468.520, 468.522, 468.525(3)(b) FS. Law Implemented 468.520, 468.522, 458.525(4), 468.529(1) FS. History--New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Contractual Requirements
RULE NO.: 61G7-12.001

PURPOSE AND EFFECT: The Board proposes to adopt this rule to satisfy the requirements of section 468.525(4), F.S., and set forth contractual requirements for the employee leasing company's and its assigns' to complete an annual onsite physical examination of the client to determine proper workers' compensation classifications, payroll amounts, and to allow for audits pursuant to section 440.381, F.S.

SUMMARY: This is a new rule to implement the requirements of s. 468.525(4) which sets forth the criteria for supervision by the Employee Leasing Company over its client companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522, 568.525(4) FS.

LAW IMPLEMENTED: 468.525(4) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-12.001 Contractual Requirements.

In order to meet the requirements of section 468.525(4), F.S., the employee leasing company's contractual arrangement with its client must provide for the right of both the employee leasing company and its assigns to conduct an annual onsite physical examination of the client who is or was subject to an applicable employee leasing contractual relationship. The purpose of this examination is to aid in the determination of proper workers' compensation classifications of leased employees and to aid in the determination of payroll amounts paid to such leased employees. Such examination shall allow for both the employee leasing company and its assigns to conduct audits of the client to the extent set forth in section 440.381, F.S., and the rules promulgated thereto by the Department of Insurance and the Department of Labor and Employment Security.

Specific Authority 468.522, 468.525(4) FS. Law Implemented 468.525(4) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 00-40R

RULE CHAPTER TITLE: State Implementation Plan RULE CHAPTER NO.: 62-204

RULE TITLE: Federal Regulations Adopted by Reference RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through June 30, 2000, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

(1) through (6) No change.

(7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. through 2. No change.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units, amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective October 1, 2000).

4. through 71. No change.

72. 40 CFR 60, Subpart WWW, Municipal Solid Waste Landfills, amended June 16, 1998, 63 FR 32743; amended February 24, 1999, 64 FR 9258 (effective July 1, 1999); amended April 10, 2000, 65 FR 18906 (effective October 1, 2000). Any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, and which has a design capacity equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal solid waste landfill subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart WWW, shall file an application for an operation permit under Chapter 62-213, F.A.C., by the later of March 12, 1997, or 180 days after the issuance of the solid waste permit that modifies the design capacity of the facility to be equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters. In addition to the initial design capacity report and nonmethane organic compound (NMOC) emission rate report, as applicable, submitted earlier to the U.S. Environmental Protection Agency, any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, shall submit to the Department a design capacity and NMOC emission rate report as outlined in 40 CFR 60.757 no later than December 31, 1996.

(10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and May 12, 1998, 63 FR 26078; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000).

2. through 12. No change.

13. 40 CFR 63, Subpart U, Group I Polymers and Resins, amended January 14, 1997, 62 FR 1835; and July 15, 1997, 62 FR 37720; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, and June 30, 1999 64 FR 35023 (effective October 1, 1999); amended June 19, 2000 65 FR 38029 (effective October 1, 2000).

14. 40 CFR 63, Subpart W, Epoxy Resins Production and Non-Nylon Polyamides Production, amended May 8, 2000, 65 FR 26491 (effective October 1, 2000).

15. through 18. No change.

19. 40 CFR 63, Subpart CC, Petroleum Refineries, amended February 21, 1997, 62 FR 7937; March 20, 1998, 63 FR 13533; May 18, 1998, 63 FR 27212; June 9, 1998, 63 FR 31358; and August 18, 1998, 63 FR 44135 (effective April 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000).

20. through 43. No change.

44. 40 CFR 63, Subpart JJJ, Group IV Polymers and Resins, amended October 18, 1996, 61 FR 54342; November 25, 1996, 61 FR 59849; January 14, 1997, 62 FR 1835; June 6, 1997, 62 FR 30993; February 27, 1998, 63 FR 9944; and March 31, 1998, 63 FR 15312; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, June 8, 1999, 64 FR 30406, and June 30, 1999, 64 FR 35023 (effective October 1, 1999); amended June 19, 2000, 65 FR 38029 (effective October 1, 2000).

45. through 47. No change.

48. 40 CFR 63, Subpart OOO, promulgated January 20, 2000, 65 FR 3276 (effective October 1, 2000).

~~49.48.~~ 40 CFR 63, Subpart PPP, Polyether Polyols Production, promulgated June 1, 1999, 64 FR 29420 (effective October 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000).

50. 40 CFR 63, Subpart RRR, promulgated March 23, 2000, 65 FR 15690 (effective October 1, 2000).

49. through 51. renumbered 51. through 53. No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History--New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, ~~10-1-00.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Continuing Education Credit for 64B8-13.007
Physicians Volunteering for
FMLE Comparison Study

PURPOSE AND EFFECT: The proposed rule is intended to address continuing education credit for those physicians who assist with the development, review or standard setting, or who successfully complete the Florida Medical Licensure Examination (FMLE), scheduled to be administered by the Department as part of the FMLE Comparison Study.

SUMMARY: The proposed rule offers continuing education credit as set forth in the rule for physicians assisting with, or successfully completing the FMLE as part of the Comparison Study.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 458.309, 455.564(6) FS.

LAW IMPLEMENTED: 455.564(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., September 20, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.007 Continuing Education Credit for Physicians Volunteering for FMLE Comparison Study.

(1) In addition to the continuing medical education credits authorized in 64B8-13.005, any volunteer physician licensed pursuant to Chapter 458, Florida Statutes, who serves as an examination consultant for the Florida Medical Licensure Examination created by the Department pursuant to section 458.3115, Florida Statutes, shall receive 2.0 hours of credit in risk management for one full day of examination development, examination review, or standard setting, up to a maximum of 10 hours toward license renewal for the biennium during which the work was performed.

(2) In addition to the continuing medical education credits authorized in 64B8-13.005, any volunteer unlicensed medical doctor registered as a resident physician, intern, or fellow pursuant to section 458.345, Florida Statutes, who passes with a scale score of 350 or higher on Part I or Part II of the Florida Medical Licensure Examination, created by the Department pursuant to section 458.3115, Florida Statutes, shall receive 3.0 hours of credit for each part passed up to a maximum of 6.0 hours toward license renewal for the biennium during which the examination was passed.

Specific Authority 458.309, 455.564(6) FS. Law Implemented 455.564(6) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development**

RULE NO.:	RULE TITLES:
9B-44.003	Products, Standards and Test Methods
9B-44.004	Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with section 120.54(3)(d)1., F.S. The amendments to Rules 9B-44.003 and 9B-44.004 were noticed and published in Vol. 26, No. 21, May 26, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) of Rule 9B-44.003 shall now read:

(1) Refrigerators, Refrigerator-Freezers, and Freezers; Test Methods. Manufacturers of any refrigerator, refrigerator-freezer or freezer to be sold or installed in Florida that is covered by this rule shall cause the testing of one randomly selected sample of each model of covered product by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation program category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. Testing shall be conducted according to the following test methods.

~~(a)1-~~ Fresh food refrigerated volume, freezer refrigerated volume, and total refrigerated volume shall be determined using the standard ANSI/AHAM HRF-1-1988, ~~1979~~ which is incorporated by reference herein-, and may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 642-4900.

~~(b)2-~~ The energy consumption shall be determined using the test procedure for refrigerators and freezers in 10 Code of Federal Regulations (CFR), section 430.23(a) and (b) ~~(2000 1986)~~, which is incorporated by reference herein-, and may be obtained from the Department of Community Affairs, Codes & Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Subsection (2) of Rule 9B-44.003 shall now read:

(2) Fluorescent Lamp Ballasts for Lighting Equipment; Test Methods. Manufacturers of lamp ballasts for fluorescent lighting equipment to be sold or installed in Florida that is covered by this rule shall cause the testing of samples of each model of fluorescent lamp ballast by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory.

~~(a)4-~~ Sample ballasts shall be tested to insure that the Ballast Efficacy Factor certified under the provisions of rule 9B-44.004 shall be no greater than the mean of the sample or the lower 97 1/2 percent confidence limit of the true mean divided by 0.95. A minimum of four ballasts of each model shall be randomly selected and tested.

~~(b)2-~~ The power input, and relative light output shall be determined in accordance with the standard, ANSI C82.2-1984 which is incorporated by reference herein-, and may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 642-4900.

Subsection (3) of Rule 9B-44.003 shall now read:

(3) Showerheads; Test Method. Manufacturers of showerheads to be sold or installed in Florida that are covered by this rule shall cause the testing of samples of each model. Initial certification of showerheads mandated to occur by January 1, 1988, may contain testing reports developed by the manufacturers' test laboratory and certified by the manufacturer to be true and accurate. Certifications of showerheads made after January 1, 1990, shall contain results of testing reports conducted by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. The method of testing shall be in accordance with standard ANSI A112.18.1M-1996, ~~1979~~ which is incorporated by reference herein-, and may be obtained from the American National Standards Institute, 1430 Broadway, New York, New