

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Minor Violations; Notice of Non-Compliance
RULE NO.: 3F-11.002

PURPOSE AND EFFECT: The Board proposes to revise this rule to update the list of minor violations for which the Department may issue a notice of noncompliance in keeping with the statutes.

SUBJECT AREA TO BE ADDRESSED: Minor Violations; Notice of Noncompliance.

SPECIFIC AUTHORITY: 497.103, 497.131(3) FS.

LAW IMPLEMENTED: 497.131(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-11.002 Minor Violations; Notice of Non-Compliance.

(1) Pursuant to section 497.131(3), F.S., the Department may issue notice of noncompliance to a certificateholder, licensee, or registrant for an initial offense of a minor violation. Failure of the person, to whom a notice of noncompliance is issued, to take corrective action which is set forth in the notice of violation, within 15 days of the receipt of the notice may result in further disciplinary action.

(2) The following violations are minor violations for which the Department may issue a notice of noncompliance:

(a) Failure to display a license, in violation of section 497.301, F.S.

(a)(b) Unintentional failure to remit <1% of the amounts required to be deposited to a trust fund for an examination period, in violation of section 497.233(1)(d), F.S.

(b)(e) Failure to provide any person, upon request, with a copy of the cemetery bylaws, in violation of section 497.233(1)(s)(+), F.S.

(c)(d) Unintentionally failing Failure to make timely deposits to any trust fund, in violation of Section 497.245(2), F.S.

(d)(e) Failure to register a branch name for a common business enterprise, in violation of Section 497.407(4), F.S.

(e)(+) Failure to have records available at all reasonable times for examination by the Department, in violation of section 497.309, F.S.

(f)(e) Establishing a condition for entry or access to a cemetery, in violation of section 497.317(3), F.S.

(3) The Department shall not issue a notice of noncompliance for a violation of the same provision of the law to the same licensee, registrant or certificateholder, within a six three-year period.

Specific Authority 497.103, 497.131(3) FS. Law Implemented 497.131(3) FS. History--New 8-9-94, Amended 10-25-94, 8-4-97, _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure
RULE NO.: 4-211.031

PURPOSE AND EFFECT: The purpose of the amendment is to delete references to crimes of breach of trust or dishonesty to be addressed in new rule chapter 4-212, to be workshopped concurrently.

SUBJECT AREA TO BE ADDRESSED: The effect of certain law enforcement records on insurance agent licensure.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

TIME AND DATE: 9:30 a.m., December 20, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shirley Kerns, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records Relating to Crimes of Breach of Trust or Dishonesty
RULE NO.: 4-212.001

PURPOSE AND EFFECT: To discuss the development of a rule to address the effect of law enforcement records relating to crimes of breach of trust or dishonesty on insurance agent licensure.

SUBJECT AREA TO BE ADDRESSED: The effect of law enforcement records relating to crimes of breach of trust or dishonesty on insurance agent licensure.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLE: Insurance, Safety Requirements and Standards RULE NO.: 41-2.006

PURPOSE AND EFFECT: The Commission proposes to update this rule to remove obsolete language.

SUBJECT AREA TO BE ADDRESSED: Insurance, Safety Requirements and Standards.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jo Ann Hutchinson,

Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.006 Insurance, Safety Requirements and Standards.

(1) through (4)(h) No change.

(i) Billing requirements of the Community Transportation Coordinator to subcontractors shall be determined locally by the local Coordinating Board and provided in the local Transportation Disadvantaged Service Plan. All bills shall be paid within 7 ~~45~~ calendar days to subcontractors, after receipt of said payment by the Community Transportation Coordinator, in accordance with Chapter 287.0585, F.S.;

(j) though (o) No change.

~~(p) All vehicles ordered or put into service after adoption of this section of the Rule, and providing service within the coordinated system, shall be equipped with two-way communications in good working order and audible to the driver at all times to the base. All vehicles that are not equipped with two-way communications shall have two years to be in compliance after May 1, 1996;~~

~~(q) All vehicles ordered or put into service after the adoption of this section of the Rule, and providing service within the coordinated system, shall have working air conditioners and heaters in each vehicle. Vehicles that do not have a working air conditioner or heater will be scheduled for repair or replacement as soon as possible. All vehicles that are not equipped with an air conditioner and/or heater shall have two years to be in compliance after May 1, 1996;~~

(r) through (s) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS. History--New 5-2-90, Amended 6-17-92, 5-1-96, 10-1-96, 3-10-98,_____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLE: Selection of Community Transportation Coordinator RULE NO.: 41-2.010

PURPOSE AND EFFECT: The Commission is updating this rule to change the wording from handicapped to disabled, and to add the Metropolitan Planning Organization or Designated Official Planning Agency as a resource to work with in the event of termination of the transportation coordinator or any unforeseen emergency to coordinate the continuation of services.

SUBJECT AREA TO BE ADDRESSED: Selection of Community Transportation Coordinator.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013(1),(15), 427.015(2) 427.0155(7), 427.0157 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP DATE, TIME AND PLACE WILL BE PUBLISHED 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: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.010 Selection of Community Transportation Coordinator.

(1) through (4)(d) No change.

(e) A request that the proposer identify specific means by which it plans to comply with the provisions of the Americans with Disabilities Act, P.L. 101-336, Chapter 760, Florida Statutes, and any applicable local regulations governing ~~disabled handicapped~~ accessibility requirements, access to transportation, and discrimination.

(f) through (7) No change.

(8) In cases of termination of the Community Transportation Coordinator, or in unforeseen emergencies, the Commission shall work with the Metropolitan Planning Organization or Designated Official Planning Agency and the Coordinating Board in an expeditious manner to provide for the continuation of services to the transportation disadvantaged in the designated service area, by providing or arranging the necessary technical assistance.

(9) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.013(10),(15), 427.015(2), 427.0155(7), 427.0157 FS. History--New 5-2-90, Amended 6-17-92, 7-11-95, 10-1-96, 3-10-98,_____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLE: Coordinating Board Structure and Duties

RULE NO.: 41-2.012

PURPOSE AND EFFECT: This rule is being revised to changed the term handicapped to the term disabled.

SUBJECT AREA TO BE ADDRESSED: Coordinating Board Structure and Duties.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0157 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: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.012 Coordinating Board Structure and Duties.

The purpose of the Coordinating Board is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System (FCTS). Each Coordinating Board is recognized as an advisory body to the Commission in its service area. The members of the Coordinating Board shall be appointed by the Metropolitan Planning Organization or the Designated Official Planning Agency. A Coordinating Board shall be appointed in each county. However, when agreed upon in writing, by all Boards of County Commissions in each county to be covered in the service area, multi-county Coordinating Boards may be appointed. The structure and duties of the Coordinating Board shall be as follows:

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

(h) A ~~disabled handicapped~~ person representing the ~~disabled handicapped~~ in the county;

(i) through (5)(c) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.0157 FS. History--New 5-2-90, Amended 6-17-92, 11-16-93, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98,_____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLE: Grants Program

RULE NO.: 41-2.014

PURPOSE AND EFFECT: The Commission proposes to update this rule to more accurately reflect the statute.

SUBJECT AREA TO BE ADDRESSED: Grants Program.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013, 427.0159, 427.016 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: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.014 Grants Program.

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

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in Chapter 427, Florida Statutes, including support to the local Coordinating Board and capital equipment limited to no more than 15% of the Commission participation.

(3) through (4) No change.

(a) An annual amount of \$1,372,060 \$1,331,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level.

(b) through (5) No change.

(a) In order to maintain system and service stability, the Commission's Fiscal Year 93/94 Allocation of Trip and Equipment Grant Funds, dated 02/00 12/93, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year 93/94 levels allocated to the trip and equipment grant related program.

(b) through (6)(a) No change.

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties coordinating boards throughout the state, with each planning agency receiving no more than one share for each county coordinating board within its jurisdiction. Eligible applicants not requiring the total amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) through (8) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History--New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Contracts for Prepaid Health Plans
RULE NO.: 59G-8.100
PURPOSE AND EFFECT: The purpose of this rule amendment workshop is to discuss the amendment to rule 59G-8.100, Medicaid Contracts for Prepaid Health Plans.

SUBJECT AREA TO BE ADDRESSED: Capitation Payment Rate Methodology for Medicaid HMO Contracts.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9124(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: 10:00 a.m., December 15, 2000

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room A, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Thomas, Chief, Bureau of Managed Health Care, Building 1, 2727 Mahan Drive, Mailstop 26, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.100 Medicaid Contracts for Prepaid Health Plans.

(1) through (16) No change.

(17) Payment Methodology for Covered Services. Capitation payment rates are developed by the agency department based on historical fee-for-service expenditures adjusted forward to the contract period. The agency shall not pay more for a defined scope of services to a defined number of enrollees under a capitation arrangement than the projected cost of providing those same services on a fee-for-service basis. The revised payment methodology, entitled "State of Florida, Agency for Health Care Administration, July 1, 2000-June 20, 2001, Upper Payment Limit and Capitation Rate Development," prepared by Milliman & Robinson, Actuaries, dated July 19, 2000, is incorporated herein by reference. A copy of the payment methodology may be obtained by writing to the Chief of the Bureau of Managed Health Care, 2727 Mahan Drive, Building 3, Mailstop 26, Tallahassee, Florida 32308.

(18) through (24) No change.

Specific Authority 409.919 409.926(1),(2),(6) FS. Law Implemented 409.9124(1) 409.266 FS. History--New 3-9-81, Amended 7-9-84, Formerly 10C-7.524, Amended 4-5-89, Formerly 10C-7.0524, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE CHAPTER TITLE: Continuing Education
RULE CHAPTER NO.: 61G4-18
PURPOSE AND EFFECT: The Board proposes to review this chapter to determine if amendments are necessary.
SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Certificate holders and Registrants, Definitions, Registration of Course Sponsors,

Approval of Continuing Education Courses, Qualifications of Course Instructors, Course Syllabus, Required Records Maintained by Course Sponsors, Audit of Certifications of Completion, Advertising of Continuing Education Courses, Continuing Education Courses Required by Disciplinary Action, Fees, Exam Development, Continuing Education Seminars.

SPECIFIC AUTHORITY: 455.2123, 455.213(7), 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.219(3), 455.271(10), 489.109, 489.115, 489.116, 489.129(1)(c),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Trap Reduction Schedule

RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The spiny lobster trap reduction program was begun in 1992 with the object of reducing the number of lobster traps used in the commercial fishery to the lowest number that will maintain or increase overall catch levels, while simultaneously promoting economic efficiency and conserving natural resources. Management concerns addressed by the program include overcapitalization, the mortality of sublegal lobsters used as attractants, the impact of lost traps, and environmental damage caused by traps. The purpose of this rule development effort is to arrive at a way to reduce the present number of trap certificates from 542,704 to an interim level of 400,000, a level at which total catch is predicted to be unaffected by the reductions, according to current data and science. Until now, trap reduction has been active, i.e., reduction in traps and certificates is applied proportionally across the board to all trap fishers. The Commission must decide whether to continue with active reductions – a 10% reduction is scheduled before the 2001-2002 season – or implement a hybrid reduction schedule based on a combination of active and passive trap reduction, to achieve the interim 400,000 trap level. Passive reduction

employs reductions upon the transfer of trap tags and certificates. The effect of continued trap reductions in the spiny lobster fishery is to further reduce mortality on sublegal lobsters and environmental damage caused by traps.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Trap Reduction Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A RULE DEVELOPMENT WORKSHOP DURING ITS REGULAR MEETING, AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 24-26, 2001

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**Section II
Proposed Rules**

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Visiting – Authority of the Secretary	33-601.701
Posting of Visiting Policies	33-601.702
Visiting Records	33-601.703
Visiting – Inmates in Special Status	33-601.704
Refusal of Visit by Inmate	33-601.705
Inmate’s Visitors List	33-601.706
Visiting Denial	33-601.707
Visiting Procedures and Conditions	33-601.708
Non-contact Visiting	33-601.709
Special Visits	33-601.710
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Process	33-601.715
Visiting Record Management	33-601.716