

Section I

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs **RULE NO.:** 1T-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate new language and guidelines for the General Program Support Grants and Challenge Grant Program, as well as revise and refine language for existing programs. The amendment also removes documents incorporated by reference. This will be a substantial rewrite.

SUBJECT AREA TO BE ADDRESSED: General Program Support Grants Guidelines, Project Grants, Arts in Education, Challenge Grant Program, International Cultural Exchange, Quarterly Assistance Program, Underserved Arts Communities Assistance Program, State Touring Program, Local Arts Agency/State Service Organization Program, Florida's Artist Residency Directory, Cultural Endowment Program, Cultural Facilities Program, Fellowship Program, and general grants administration.

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Friday, April 20, 2001
PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Linda Downey at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF INSURANCE

RULE TITLES: Conduct of Public Adjusters **RULE NOS.:** 4-220.051
Ethical Requirements 4-220.201

PURPOSE AND EFFECT: Rule 4-220.051, FAC. sets forth Department policy as to certain matters generally affecting public adjusters. Rule 4-220.201, FAC. will categorize the rules as a code of ethics required by s. 626.878, F.S., which will provide ethical standards for adjusters.

SUBJECT AREA TO BE ADDRESSED: Amending the ethical standards and required conduct for public adjusters.

SPECIFIC AUTHORITY: 624.308, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS.

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

TIME AND DATE: 9:00 a.m., May 1, 2001
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: Phil Fountain, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)922-3153, Ext. 5038

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)922-3110, Ext. 4214.

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

DEPARTMENT OF INSURANCE

RULE TITLE: Reporting Requirements for Licensees Seeking to do Business with Unlicensed Insurers **RULE NO.:** 4-230.033
Including Certain Multiple Employer Welfare Arrangements, Labor Lessors, and Collectively Bargained Plans

PURPOSE AND EFFECT: This rule requires licensed agents, brokers, third party administrators and insurers to submit information to the Department when they have knowledge of activities by an unlicensed insurer.

SUBJECT AREA TO BE ADDRESSED: Reporting requirements for licensed insurers.

SPECIFIC AUTHORITY: 624.308(1), 624.33(2), 624.4431 FS.

LAW IMPLEMENTED: 624.09, 624.44, 624.307, 624,317, 624,437, 624.442, 624.446, 626.901, 626.910, 626.9571, 626.9581, 626.9591, 626.9601 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: 1:00 p.m., May 1, 2001

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: Phil Fountain, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038

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)922-3110, Ext. 4214.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examination RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to adopt an updated examination application form for persons to use when registering for the Florida Teacher Certification Examination. The effect will be to adopt an updated application form.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination form.

SPECIFIC AUTHORITY: 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS.

LAW IMPLEMENTED: 231.145, 231.15, 231.17, 231.30 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., April 30, 2001

PLACE: Room 403, 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0021 Florida Teacher Certification Examination.

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

a. A completed application Form ~~CG-20-01~~ ~~CG-20-00~~, Registration Application: Certification Examinations for Florida Educators ~~Florida Teacher Certification Examination Registration Application~~ or Form ~~CG-22-00~~, FTCE/FELE Supplemental Registration Application, which includes the applicant's signature. Form ~~CG-20-01~~ ~~CG-20-00~~, Registration Application: Certification Examinations for Florida Educators ~~Florida Teacher Certification Examination Registration Application~~ and Form ~~CG-22-00~~, FTCE/FELE Supplemental Registration Application, effective ~~October, 2000~~ is hereby incorporated by reference and made a part of this rule to become effective July 2001. ~~This~~ The form may be obtained without cost from the Bureau of Educator ~~Teacher~~ Certification, Florida Department of Education, 325 West Gaines Street ~~The Florida Education Center~~, Tallahassee, Florida 32399.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History--New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00,_____.

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost RULE NO.: 6C-7.001

PURPOSE AND EFFECT: To implement the changes in the university matriculation and related fees, at the undergraduate and graduate levels, as approved by the Legislature this Session.

SUBJECT AREA TO BE ADDRESSED: University matriculation fees. Each year the Legislature increases the university matriculation and related fees. Some years the increases are the across-the-board fees; other years, the Legislature has discussed increases in university differential fees. Both Houses of the Legislature are currently discussing these fees, by different amounts of percentage increases. These increases could be as high as ten percent on some fees. The Board of Regents will have to act on these fee increases, by rule, so that they may be effective and in place, Fall 2001.

SPECIFIC AUTHORITY: 240.209(1),(3)(e) FS.

LAW IMPLEMENTED: 240.209(3)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY, 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 COPIES OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1520 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Fresh Squeezed Citrus Juices
 RULE CHAPTER NO.: 20-49

PURPOSE AND EFFECT: Would bring language into conformity with Food and Drug Administration’s Rule 21CFR Part 120. Additionally, the amendment modifies the original prohibition of manure as a fertilizer on citrus to be used in making fresh squeezed juices.

SUBJECT AREA TO BE ADDRESSED: Language of Food & Drug Administration’s Rule 21CFR Part 120 and modification of prohibition of manure as a fertilizer.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.29, 601.33, 601.38 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Grievance Procedures
 RULE NO.: 33-302.101

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify titles and procedures relating to offender grievances. The effect is to clarify titles, alter time frames for the filing of grievances, ensure complete review by providing for the forwarding of grievances and response to the next level for purposes of review, and to clarify the routing process for grievances.

SUBJECT AREA TO BE ADDRESSED: Offender grievance procedures.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention, who has a complaint concerning actions on supervision. Steps for filing complaints are:

(a) The offender should first discuss any complaint with the correctional probation officer assigned to her or his case to determine if a resolution to the problem can be obtained. Additionally, the offender may discuss the complaint with the officer's supervisor in order to reach a resolution.

(b) If the offender is dissatisfied with the outcome of the verbal discussion with the officer, and the officer’s supervisor if the offender chooses to discuss the complaint verbally with the supervisor, the offender may submit a written grievance outlining the problem to the officer's immediate supervisor for further review if the issue is not resolved with his correctional probation officer. The supervisor shall respond, in writing, with a response that attempts to resolve the issue, within 20 45 calendar days of the receipt of the grievance. A copy of both the grievance and the supervisor's response shall be forwarded to the circuit correctional probation administrator for informational purposes. A copy of the grievance and all responses to the grievance shall be maintained in the offender file.

(c) In the event the issue is not resolved with the supervisor, the offender may forward her or his grievance, along with the supervisor's response, to the circuit administrator for review contact can be made by the offender with the correctional probation administrator for the purpose of review. The circuit correctional probation administrator shall respond to the offender in writing, with a response that attempts to resolve the issue, within 20 40 calendar days of receipt of the grievance of contact.

(d) In the event the issue is not resolved with the circuit correctional probation administrator, the offender may forward her or his grievance, along with the circuit administrator's

response to file a written complaint with the regional director of regional community corrections for review. The regional director of regional community corrections shall provide a written response, which attempts to resolve the issue, within 20 30 calendar days of receipt of the grievance with a copy to the Department of Corrections Inspector General's Office.

(e) In the event the issue is not resolved with the director of regional community corrections, the offender may forward her or his grievance, along with the director of regional community correction's response, to the Bureau of Inmate Grievance Appeals in the Central Office.

(3) All grievances shall be filed within 10 calendar days of the date the incident or action being petitioned occurred.

(4) Grievances outlining the problem shall be handwritten or typed on a plain sheet of paper and must identify the complainant and contain her or his signature.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Classification System
 RULE NO.: 33-302.107

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish an offender classification system whereby offenders are systematically assessed and evaluated to allow placement in the appropriate level of supervision. The effect is to establish requisite criteria for evaluation of an offender's needs and risk of re-offending or violating supervision, establish applicable time frames, provide applicable forms, and provide for appropriate referrals to treatment and community resources.

SUBJECT AREA TO BE ADDRESSED: Offender classification.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.107 Offender Classification System.

(1) Correctional probation officers shall utilize the "Offender Classification System" to evaluate an offender placed on supervision. The system:

(a) Is a methodology used to ensure that each offender placed on active supervision is systematically assessed and evaluated in order to place the offender in the appropriate level of supervision; and.

(b) Evaluates an offender's level of need in specific treatment or service areas and evaluates the offender's potential risk of re-offending or violating supervision in order to ensure the offender is monitored at an appropriate level of supervision.

(2) Criteria used to evaluate an offender's needs include:

(a) Academic level;

(b) Vocational skills;

(c) Employment needs;

(d) Alcohol or drug usage;

(e) Mental illness;

(f) Mental ability;

(g) Sexual behavior; and.

(h) The evaluating officer's impression of the offender's problems and the amount of officer intervention time the offender will require.

(3) Criteria used to evaluate an offender's risk of re-offending or violating supervision include:

(a) Prior convictions;

(b) Prior incarceration;

(c) Age at first commitment;

(d) Commitment offense;

(e) Any supervision revoked;

(f) Drug or alcohol dependence; and.

(g) The employment, education, and supervision plan for the offender.

(4) An initial assessment shall be conducted by the correctional probation officer within thirty days of the onset of supervision or acceptance of supervision from another state.

(a) The correctional probation officer shall utilize the Case Assessment, Form DC3-265, and Classification Reassessment, Form DC3-266, to record the needs and risk information relating to each offender. Form DC3-265 and Form DC3-266 are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(b) Scores are then assessed to each area on the forms and are calculated to determine the offender's final supervision level.

(5) Reassessments will be conducted by the correctional probation officer six months after the initial assessment, and every six months thereafter.

(6) The correctional probation officer shall make referrals to treatment and community resources available based on individual offender needs identified during the assessment and

reassessment. The correctional probation officer cannot require or impose conditions or restrictions that are not included in the supervision order.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 948.015, 948.12 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Orientation
 RULE NO.: 33-302.109

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures relating to orientation of offenders under Department supervision. The effect of the proposed rule is to establish a two-day time frame in which orientation is to occur, and to establish guidelines for the manner in which orientation is to occur and the topics to be addressed therein.

SUBJECT AREA TO BE ADDRESSED: Offender orientation.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.109 Offender Orientation.

(1) Correctional probation officers shall meet with an offender within two working days of offender assignment or the onset of supervision to provide orientation to the offender as to the conditions of supervision and instructions regarding supervision.

(a) Orientation shall be in a language understood by the offender and accommodations shall be made in the event an offender has a documented disability or language barrier.

(b) Upon receipt of the offender file with the order of supervision, the correctional probation officer shall verify the information contained therein.

(2) Orientation topics shall include:

(a) An introduction explaining the role of the Correctional Probation Officer in supervising the offender;

(b) A review of the offender's disposition or commitment information and supervision status;

(c) Instructions and review of all conditions of supervision, including:

1. Standard conditions of supervision established by statute including the following:

- a. Reporting requirements;
- b. Residence and employment;
- c. Statutory employment restrictions;
- d. Travel restrictions;
- e. Violations of the law;
- f. Supporting legal dependents;
- g. Association with persons engaged in criminal activity;
- h. Random substance abuse testing;
- i. Possessing, carrying, or owning a firearm or weapon;
- j. Use of intoxicants to excess or possessing non-prescription narcotics;
- k. Cost of supervision;
- l. Following instructions;
- m. Answering inquiries truthfully; and
- n. Visits by the correctional probation officer to the offender's residence or other location within the community.
- 2. Instruction and review of any special conditions imposed by the court or releasing authority including:
 - a. Restitution;
 - b. Court costs, fines, or other financial obligations;
 - c. Public service work requirements;
 - d. Evaluation and treatment requirements;
 - e. Prohibitions against contact with the victim or victims;
 - f. Participation in education or self-improvement programs;
 - g. Participation in HIV or AIDS awareness programs;
 - h. Incarceration required as a condition of supervision;
 - i. Victim related special conditions; and
 - j. Any other special conditions imposed by the court or releasing authority.

(3) Offenders shall be provided an opportunity to ask questions or request clarification of any or all of the conditions of his or her supervision.

(a) After acknowledging an understanding of the conditions of supervision, the offender shall sign and date the orders of supervision. If an offender refuses to sign and date the conditions of probation, the correctional probation officer shall make note of this on the orders of supervision.

(b) The offender shall be provided with a copy of the orders of supervision.

(4) The correctional probation officer shall instruct and review the information contained in the Instructions to the Offender, Form DC3-246. Form DC3-246 is hereby incorporated by reference. A copy of this form may be obtained 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 _____.

(a) The contents of Form DC3-246 include:

- 1. The offender grievance procedure;

2. The means whereby the offender may obtain twenty-four hour emergency access to the correctional probation office or officer;

- 3. Drug testing procedures;
- 4. Criminal registration requirements; and,
- 5. Firearms prohibition instructions.

(b) The correctional probation officer and offender shall sign and date Form DC3-246, Instructions to the Offender, certifying that the offender has received orientation regarding the topics listed in Section (4)(a).

(c) The original DC3-246 shall be placed in the offender file and a copy shall be provided to the offender.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New

DEPARTMENT OF CORRECTIONS

RULE TITLE: Written Monthly Reports
RULE NO.: 33-302.110

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures relating to the written monthly report offenders on supervision must submit to their correctional probation officer. The effect of the proposed rule is to establish guidelines as to notification of this requirement, provide requisite forms, establish guidelines for the content of written monthly reports, and establish procedures for the review and retention of written monthly reports.

SUBJECT AREA TO BE ADDRESSED: Written monthly reports.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.110 Written Monthly Reports.

(1) Correctional probation officers shall inform the offender, at the time orientation is provided, that she or he is required to submit a full and truthful report to the officer on a monthly basis, unless otherwise specified by the supervision order.

(a) Form DC3-268, Written Monthly Report, is the form offenders shall submit on a monthly basis to their correctional probation officer. Form DC3-268 is hereby incorporated by reference. A copy of this form may be obtained from the Forms

Control Administrator, Office of General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) The Written Monthly Report, Form DC3-268, requires the offender to provide information relating to activities for the previous month, including:

- 1. The offender's place of residence;
- 2. The offender's place of employment;
- 3. The offender's gross income;
- 4. Payments made by the offender including restitution, court costs, cost of supervision, or other monetary obligations imposed by the court or releasing authority;
- 5. Problems experienced by the offender; and,
- 6. Other information that needs to be discussed with the correctional probation officer during the required office visit.

(2) Upon receipt, the correctional probation officer shall review the Written Monthly Report, Form DC3-268, submitted by the offender under his or her supervision to:

- (a) Ensure the report is complete;
- (b) Identify status changes not reported previously in employment, residence, or arrest activity;
- (c) Identify problems occurring during the month that the offender wishes to discuss further,
- (d) Review any difficulties or irregularities;
- (e) Determine necessary action to rectify any difficulties or irregularities; and,
- (f) Make referrals in order to assist the offender with community resources and services available.

(3) The correctional probation officer shall sign and date Form DC3-268 to acknowledge the report was reviewed. He or she shall also document receipt of Form DC3-268 in the electronic case notes, including any additional instructions given to the offender or information obtained during the office visit.

(4) The original copies of all of the Written Monthly Reports submitted by an offender will be maintained by the correctional probation officer in the offender's file.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

DEPARTMENT OF CORRECTIONS

RULE TITLES: Community Release Programs
Placement of Inmates into Community Release Programs
RULE NOS.: 33-601.602
33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update form numbers and titles, correct program titles, correct form incorporation language, and clarify ineligibility criteria for community release programs.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (d) No change.

(e) Modality IV Community Tier IV – A community based residential substance abuse treatment program for inmates.

(f) through (g) No change.

(2) Inmate Conduct While On Community Release.

(a) During the inmate orientation process, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126 DC4-837. Form DC6-126 DC4-837 is incorporated in (16) of this rule.

1. through 10. No change.

(b) No change.

(c) Every inmate assigned to a community release facility shall immediately, upon arrival, sign a Letter of Notice, Form DC6-102 DC4-866, or the inmate shall be terminated from the program. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice. Form DC6-102 DC4-866 is incorporated by reference in (16) of this rule.

(d) The work release center classification officer shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A DC4-838, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A DC4-838 is incorporated by reference in (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B DC4-838A, Personalized Program Plan – Modification Plan. Form DC6-118B DC4-838A is incorporated by reference in (16) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall

be documented on Form DC6-118C DC4-838B, Personalized Program Plan – Monthly Progress Review. Form DC6-118C DC4-838B is incorporated by reference in (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) No change.

(3) Community Study Release.

(a) through (6) No change.

(7) Employment.

(a) through (e) No change.

(f) The prospective employer shall sign an Employer's Community Work Release Agreement, Form DC6-124. Form DC6-124 is incorporated by reference in (16) of this rule. Inmates engaged in paid employment are not considered an employee of the state or the department while engaging in or traveling to and from such employment.

(g) through (h) No change.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five working days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125 DC4-832, Employment Contacts. Form DC6-125 DC4-832 is incorporated by reference in (16) of this rule.

(j) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place of employment, and documentation of the contacts shall be made on Form DC6-125 DC4-832, Employment Contacts. One of the three monthly contacts shall be a personal on-site job check. The documentation of the contacts shall be made on Form DC6-125 DC4-832 and placed in the inmate's file for future reference.

(k) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125 DC4-832, Employment Contacts.

(l) No change.

(8) through (9) No change.

(10) Disbursement of Earnings.

(a) through (k) No change.

(l) Any requests for special withdrawal shall be completed on Form DC2-304 DC2-101, Special Withdrawal. Form DC2-304 DC2-101 is incorporated by reference in Rule 33-203.201, F.A.C. The effective date of this form is May 7, 2000 in (16) of this rule.

(11) through (15) No change.

(16) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~(a) DC2-304, Special Withdrawal Form, effective 3-13-01.~~

~~(a)(b) DC6-123 DC4-803A, Monetary Reimbursement Agreement, effective 3-13-01.~~

~~(c) DC4-822, Center Work Assignment, effective 3-13-01.~~

~~(b)(d) DC6-124, Employer's Community Work Agreement, effective 3-13-01.~~

~~(c)(e) DC6-125 DC4-832, Employment Contacts, effective 3-13-01.~~

~~(d)(f) DC6-126 DC4-837, Certificate of Orientation, effective 3-13-01.~~

~~(e)(g) DC6-118A DC4-838, Personalized Program Plan for Work Release Centers, effective 3-13-01.~~

~~(f)(h) DC6-118B DC4-838A, Personalized Program Plan - Modification Plan, effective 3-13-01.~~

~~(g)(i) DC6-118C DC4-838B, Personalized Program Plan - Monthly Progress Review, effective 3-13-01.~~

~~(h)(j) DC6-118D, Transition Release Plan, effective 3-13-01.~~

~~(i)(k) DC6-127, Checklist for Transfers to Work Release Centers Community Residential Facilities, effective 3-13-01.~~

~~(j)(l) DC6-102 DC4-866, Letter of Notice, effective 3-13-01.~~

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-13-01, _____.

33-601.606 Placement of Inmates into Community Release Programs.

(1) Definitions.

(a) through (e) No change.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. through 4. No change.

5. Refused to complete substance programs Modality Tier II, III, or IV, unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based substance abuse program will be offered and must be successfully completed.

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

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-13-01, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

Federally Qualified Health Center Services

RULE NO.:

59G-4.100

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, April 2001.

SUBJECT AREA TO BE ADDRESSED: 59G-4.100.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., May 9, 2001

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kay Aloi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Coverage and Limitations Handbook, April 2001 ~~September 1996~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-17R

RULE CHAPTER TITLE:

Wetland Assessment Method

RULE CHAPTER NO.:

62-345

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is the establishment of a uniform wetland assessment method to be applied to wetland impact applications and associated mitigation, in addition to the awarding and debiting of credits from mitigation banks.

SUBJECT AREA TO BE ADDRESSED: Establishing wetland assessment method in accordance with 373.414(18), F.S.

SPECIFIC AUTHORITY: 373.414(18) FS.

LAW IMPLEMENTED: Chapter 2000-133, Laws of Florida.

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: Constance Bersok, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)921-9858; connie.bersok@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Citation Authority 64B5-13.0046

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text to conform to recent amendments to Section 456.072(3)(a), F.S.

SUBJECT AREA TO BE ADDRESSED: Citation Authority.

SPECIFIC AUTHORITY: 456.077, 466.004(4) FS.

LAW IMPLEMENTED: 456.072(3)(a), 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B5-13.0046 Citation Authority.

(1) Pursuant to Section 456.077, Florida Statutes (2000), (1991); the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation and the appropriate penalties for specific violations. In addition to the penalty, the costs of investigation shall be assessed as determined by rules of the Department of Health. The form to be used for the issuance of the citation shall be set forth in rules of the Department of Health. The following subsections indicate those violations which may be disposed of by citation, with the accompanying penalty.

(2) No change.

(3) Violation of Section 466.028(1)(i) and/or 466.028(1)(aa), Florida Statutes, and/or Rule 64B5-12.013(1) or (2), F.A.C., by renewing a license without completing the required continuing education credits. The penalty for a dentist shall be a reprimand, an administrative fine of ~~\$150.00~~ ~~\$100.00~~ per hour not completed as required, completion of all continuing education hours that were not completed, and completion of one additional hour of continuing education for each hour not completed or completed late ~~4 hours of continuing education in risk management within 6 months and completion within 6 months of all continuing education that was not completed as required.~~ Said continuing education shall be in compliance with Rule 64B5-12, F.A.C., and shall be in addition to and not count toward any continuing education required ~~request~~ for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education required under this rule to the Board office no later than 6 months from the date of the citation with each of the next 2 biennial renewals of licensure. The penalty for a dental hygienist shall be a ~~reprimand~~, an administrative fine of ~~\$35.00~~ ~~\$25.00~~ per hour not completed as required, and completion of all continuing education hours that were not completed, and completion of one additional hour of continuing education for each hour not completed or completed late within 6 months of all continuing education that was not completed as required. Said continuing education shall be in compliance with Rule 64B5-12, F.A.C., and shall be in addition to and not count toward any continuing education required for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education required under this rule to the Board office no later than 6 months from the date of citation with each of the next 2 biennial renewals of licensure.

(4) through (16) No change.

Specific Authority 456.077, 466.004(4) FS. Law Implemented 456.072(3)(a), 456.077 FS. History—New 12-24-91, Formerly 21G-13.0046, Amended 11-22-93, Formerly 61F5-13.0046, 59Q-13.0046, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B8-55.001

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 476.079, 455.624, 455.627, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 455.624, 455.627, 478.52(4) 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: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Examination	64B19-11.001
Licensure by Examination	64B19-11.005
Rule Governing Time Limits and Conditions for the Maintenance of and Active Application File	64B19-11.007

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUBJECT AREA TO BE ADDRESSED: Examination; Licensure by Examination; Rule Governing Time Limits and Conditions for the Maintenance of and Active Application File.

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4), 120.60 FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005(1), 490.005 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Application and Examination Fee for Licensure by Examination; Review Fee	64B19-12.002
Reexamination Fee	64B19-12.003
Wall Certificate and Initial for Licensure	64B19-12.0041
Biennial Active Renewal Fee	64B19-12.005
Biennial Inactive Renewal Fee	64B19-12.007
Delinquency Fee	64B19-12.0085
Continuing Education Provider Fees	64B19-12.009

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUBJECT AREA TO BE ADDRESSED: Application and Examination Fee for licensure by Examination; Review Fee; Reexamination Fee; Wall Certificate and Initial for Licensure; Biennial Active Renewal Fee; Biennial Inactive Renewal Fee; Delinquency Fee; Continuing Education Provider Fees.

SPECIFIC AUTHORITY: 490.004(4), 456.015(1),(4), 456.025(1),(3), 490.004(4), 490.007(1), 456.036(3),(7), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1), 456.015, 456.025(1),(3),(4), 490.007(1), 456.036(3),(7), 490.0085 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Renewal of Active Licenses	64B19-13.001
Renewal of Inactive Licenses	64B19-13.002
Continuing Psychological Education Credit	64B19-13.003
Obligations of Continuing Psychological Education Providers	64B19-13.005

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUBJECT AREA TO BE ADDRESSED: Renewal of Active Licenses; Renewal of Inactive Licenses; Continuing Psychological Education Credit; Obligations of Continuing Psychological Education Providers.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.007(2), 456.036, 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 456.036, 490.0085(1),(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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Application for Inactive Status	64B19-15.001
Reactivation of Inactive Licenses	64B19-15.003

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUBJECT AREA TO BE ADDRESSED: Application for Inactive Status; Reactivaion of Inactive Licenses.

SPECIFIC AUTHORITY: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036, 490.004(4),(5) 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Rights and Responsibilities of Applicants and Recipients	65A-2.022
Application and Determination of Eligibility	65A-2.023
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day Advance Notice	65A-2.031
General Eligibility Criteria	65A-2.032
Eligibility Factors Other Than Need	65A-2.033
Definitions of Special Living Arrangements	65A-2.034
Eligibility Factors of Need	65A-2.035
Amount of Optional State Supplementation Payments	65A-2.036

PURPOSE AND EFFECT: The department is reviewing all rules in Chapter 65A-2, FAC., to clarify language, update eligibility criteria and revise out-dated citations of statutes, federal regulations and other administrative rules. This is a long-term review that reflects the results of two previous attempts to amend these rules. Rule amendments will reflect a review of each listed rule to correct any deficiencies in rule statements.

SUBJECT AREAS TO BE ADDRESSED: Clarification of the purpose of OSS payments, functions of authorized representatives and individual responsibilities; application

processing and notice of decision criteria; eligibility when the individual is absent from a special living arrangement and advance notice of termination; all eligibility and coverage group criteria; include definition statements for special living arrangements in coverage group criteria so that rule 65A-2.034, Definitions of Special Living Arrangements, can be repealed; and, need, income determinations, provider rates and program standards.

SPECIFIC AUTHORITY: 409.212(7) FS.

LAW IMPLEMENTED: 409.212 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., April 24, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program Office

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Children’s Mental Health Services	65E-30
RULE TITLES:	RULE NOS.:
Applicability	65E-30.001
Definitions	65E-30.002
Assessment Standards	65E-30.003
Service Plan Eligibility Criteria	65E-30.004
Case Management Eligibility Criteria	65E-30.005

PURPOSE AND EFFECT: The Mental Health Program Office proposes to develop rules to implement the “Comprehensive Child and Adolescent Mental Health Services Act,” Part III of Chapter 394, Florida Statutes. The effect will be statewide implementation of: children’s mental health assessment standards; criteria for determining when a child receiving mental health services under the Act must have an individualized service plan; and criteria that define the target population of children served under this Act who must be offered case management.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed at the rule development workshop include: applicability of the rules; definitions of terms used in the rules; standards for mental health assessments for children; criteria specifying which children must have an individualized service plan developed for them; and criteria specifying which children must be offered case management services.

SPECIFIC AUTHORITY: 394.493(2), 394.495(3), 394.496(5), 394.497(2) FS.

LAW IMPLEMENTED: 394.490-.497 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, April 30, 2001

PLACE: Bldg. 6, Conference Room A, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Sorrell, Children's Mental Health, Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-30.001 Applicability.

This chapter shall apply only to those mental health services provided under a contract with the department for children in the target populations specified in Chapter 394, Part III, Florida Statutes.

Specific Authority 394.490-.497 FS. Law Implemented 394.490-.497 FS. History—New

65E-30.002 Definitions.

Definitions: For purposes of this chapter:

(1) "Assessment" means a discovery and professional analysis of the individual strengths and needs of the child and family and of factors in the environment that may help meet the child's needs.

(2) "Child" means a person under the age of 18 and includes the term "adolescent" as defined in Chapter 394, Part III, Florida Statutes.

(3) "Case management" means the activities described in Section 394.497(1), Florida Statutes.

(4) "Contract" means a formal written agreement or purchase order executed between the Department and an individual or organization for the procurement of children's mental health services. The term includes performance contracts, rate contracts, purchase orders, and subcontracts.

(5) "Department" means the Department of Children and Family Services.

(6) "Family" means the person or persons who care for and nurture the child and define themselves as the child's family.

(7) "Provider" means an individual or organization providing mental health services to children in the target populations under a contract with the Department.

Specific Authority 394.490-.497 FS. Law Implemented 394.490-.497 FS. History—New

65E-30.003 Assessment Standards.

(1) Assessments are conducted for the purpose of identifying strengths and needs of the child and family and making recommendations for meeting the child's need for mental health services and the family's need for support services.

(2) Assessments may include evaluation and screening of:

(a) Physical and mental health for purposes of identifying psychiatric problems and medical problems resulting in psychiatric symptoms;

(b) Psychological functioning, as determined through a battery of psychological tests;

(c) Intelligence and academic achievement;

(d) Social and behavioral functioning; and

(e) Family functioning.

(3) The assessment shall always include a face-to-face interview with the child and with the family.

(4) The assessment shall be conducted only by a person specified in Section 394.495(3), Florida Statutes, and within the boundaries of the person's professional training, experience and competence. Assessments performed by persons authorized by Section 394.495(3)(c), Florida Statutes, shall be co-signed by the supervising professional as defined in Section 394.495(3)(c), Florida Statutes.

(5) The provider shall seek to clarify the reasons for the referral and to respond to the expectations and timeframes of the person who requested the assessment and to the expectations of the child and the family.

(6) The assessment shall be conducted in the least restrictive, most family-centered setting consistent with the child's clinical needs and legal status.

(7) The assessment process shall be responsive to the child's level of functioning, developmental stage, culture, language, age, gender, sexual orientation, and special medical or developmental needs, and sensitive to the family's issues and values.

(8) The assessment provider shall seek information necessary to respond to the reasons for referral and shall include in the assessment report:

(a) The issues, preferences and goals presented by the child and family;

(b) The strengths, resources and existing support systems of the child and family;

(c) The child, family and assessment provider's perception of environmental factors in the family, school, and community that may help or hinder in addressing the child's needs;

(d) The past history and current nature, duration, frequency and severity of the problems of the child and the circumstances in which the problems occur;

(e) Identification of agencies and programs with whom the child is currently involved;

(f) Identification of past and current mental health treatment and other health and social services provided the child and family;

(g) The assessment provider's and the family's perceptions of which treatment and services were effective and why;

(h) The types of educational placements and reasons for changes in those placements;

(i) Recommendations for individualized, family-centered, and least restrictive mental health treatment and related services to meet the child's specific needs. The assessment report shall not recommend specific programs or providers.

(j) Recommendations for the types of informal services and supports that should be made available to the child and family.

(9) For a child in the custody of the Department, in addition to the requirements of Section 65E-30.003(8), F.A.C., above, the assessment report shall include information to assist in permanency planning for the child.

(10) The person referring the child shall give the assessment provider a copy of any recent and relevant diagnostic, academic, psychological, psychosocial, or behavioral evaluations of the child that are obtainable. The provider shall incorporate these findings from other evaluations into the assessment report. The assessment process shall not repeat types of evaluations that were completed within the past 12 months, unless clinically indicated. The provider shall coordinate with other agencies, including the school district, to avoid duplication of assessments and to avoid asking for duplicative information from the family.

(11) If an assessment for academic achievement is needed, this assessment is the financial responsibility of the school district, as specified in 394.495(2), and the provider shall request the school district to provide or arrange for the assessment. With the parent or guardian's written consent, the provider shall incorporate the findings of this assessment into the assessment report.

Specific Authority 394.495(3) FS. Law Implemented 394.495 FS. History--New _____.

65E-30.004 Service Plan Eligibility Criteria.

(1) Each child who meets the criteria for mental health case management of Section 65E-30.005, F.A.C., shall have an individualized service plan.

(2) The child's mental health case manager shall coordinate the development of the service plan.

(3) When a child is receiving both mental health services and the services of another program of the department, the child's mental health case manager shall work with the other program to use a single service planning process and develop a single service plan, to the extent allowable by law.

(4) When a child is receiving mental health services and services from another department or agency, the child's mental health case manager shall coordinate service planning with the other department or agency and avoid duplication to the extent possible.

(5) The service plan shall be reviewed, and revised as needed, at least every 90 days as required by Section 394.496(8), Florida Statutes or at any time:

(a) The child changes custody status;

(b) The child moves into or out of a foster home, group living situation, or residential treatment program;

(c) The child changes educational placement;

(d) The child experiences a significant change affecting the child's life and support system, such as the death, divorce or debilitating illness of a parent, or a family's loss of employment or housing; or,

(e) The family requests a review of the service plan.

Specific Authority 394.496(5) FS. Law Implemented 394.496 FS. History--New _____.

65E-30.005 Case Management Eligibility Criteria.

(1) Case management shall ensure continuity and not duplicate case management services for the child and family.

(2) Within available case management resources, case management shall be offered to the parent or legal guardian of a child who meets one of the following criteria:

(a) The child is in a residential mental health placement for the primary purpose of receiving mental health treatment rather than for purposes of foster care or delinquency commitment placement;

(b) The child has been approved by the department for placement in a residential mental health treatment program and is awaiting such placement;

(c) The child has a serious emotional disturbance or mental illness as defined in Section 394.492, Florida Statutes and requires services from two or more programs or service providers; or,

(d) The child has an emotional disturbance or is experiencing an acute mental or emotional crisis, as these conditions are defined in Section 394.492, Florida Statutes, requires services from two or more programs or service providers, and has one or more of the following risk factors:

1. The child has been physically or sexually abused or neglected or has been exposed to domestic violence;

2. The child meets the department's criteria for a special needs adoption;

3. The child has had multiple out-of-home placements;

4. The child has had two or more admissions to a crisis stabilization unit or inpatient psychiatric unit in the past six months;

5. The family or the department believes that case management services will enhance the likelihood the child can remain in the home and community;

6. The child has a chronic and serious physical illness, is infected with human immunodeficiency virus, or is substance dependent;

7. The parent or legal guardian has been identified to the provider as having a serious mental illness, a developmental disability, a chronic and serious physical illness, or substance dependence;

8. The family is homeless; or,

9. The department's utilization management process has determined the child meets the established criteria of high utilization of mental health services and has referred the child for case management.

(3) Case managers for children who have been placed in residential mental health treatment shall be located in the child's home community and shall work with the child's family and school, advocate for the child's return to the community as soon as clinically indicated and manage discharge planning.

(4) Case managers for children in residential mental health treatment placements shall not have an employment, contractual or any other financial relationship with the residential provider that creates a real or perceived conflict of interest.

(5) Nothing in this rule shall prohibit the department from offering case management for any other child receiving mental health services provided under Chapter 394, Florida Statutes.

Specific Authority 394.497(2) FS. Law Implemented 394.497 FS. History--New _____.

Purchase Order No.: S 6001 D11450

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLES:	RULE NOS.:
Size and Bag Limits; Prohibition of Sale	68B-35.003
Gear Specifications and Prohibited Gear	68B-35.004

Commercial Pompano Harvest Requirements:

- Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits

PURPOSE AND EFFECT: The purpose of this rule development effort is to establish a comprehensive set of rules and licensing requirements for the commercial pompano fishery. Information developed by the Commission from many sources from both the Atlantic and Gulf of Mexico coasts suggests that there is both a legal gill net fishery in federal waters, and an illegal gill net fishery targeting pompano in state waters. The objectives of the rules being developed include:

1. Aid apprehension of illegal pompano gill netting in state waters.
2. Document where a fishery in federal waters exists, showing where harvest occurs.
3. Allow quick designation of new zones, since documentation of a fishery will not take many trips.
4. Treat fishermen fairly.
5. Avoid the perception of a time limited opportunity so a derby or gold rush mentality does not develop and tax Commission resources.

The effect of the rules being developed should be to protect the health of economically-important pompano stocks, allow a federal waters fishery, protect the hook-and-line commercial fishery in state waters, and increase compliance with netting laws.

SUBJECT AREA TO BE ADDRESSED: Pompano commercial fishery.

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

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

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:

68B-35.003 Size and Bag Limits; Prohibition of Sale.

- (1) No change.
- (2) Bag Limits.

(a) Except for persons harvesting permit pursuant to a valid saltwater products license with a restricted species endorsement or pompano pursuant to Rule 68B-35.005, no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day, however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended _____.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) No change.

(2)(a) The harvest or attempted harvest of any African pompano or permit in or from state waters, by or with the use of any gear other than a hook and line gear is prohibited.

(b) The harvest or attempted harvest of any pompano in state waters by or with the use of any gear other than a beach or haul seine, a cast net, or hook and line gear is prohibited.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to Rule 68B-35.005(1), in the following areas of state waters:

1. In the area of state waters between 25°09' North Latitude and 25°00' North Latitude, between Cape Sable and Hurricane Pass.

2. In state waters of any county, upon designation by the Executive Director of the Commission, after it has been established by a person taking pompano pursuant to a Special Activity License issued pursuant to Rule 68B-35.005(2), that on two different trips within a one month period, no less than 500 pounds of pompano was harvested with a gill or entangling net in federal EEZ waters adjacent to such county on each trip.

(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Special Activity License issued pursuant to Rule 68B-35.005(2).

(c) Paragraphs (a) and (b) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications:

(a) Such net shall not be less than 400 yards in length, along the cork line and along the leadline.

(b) Such net shall be at least 100 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4 1/2 inches stretched mesh, throughout the net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended _____.

68B-35.005 Commercial Pompano Harvest Requirements; Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits.

(1) POMPANO ENDORSEMENT – No person shall be issued a pompano endorsement on their saltwater products license without first meeting each of the following criteria:

(a) The applicant must possess and have commercially registered a vessel or airboat no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(b) The applicant must demonstrate an average annual harvest of pompano of at least 1,000 pounds during each of the 1997-1998, 1998-1999, and 1999-2000 license years.

(c) No applicant shall receive a pompano endorsement who has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(2) POMPANO SPECIAL ACTIVITY LICENSE – The Fish and Wildlife Conservation Commission intends to issue Pompano Special Activity Licenses to qualifying commercial fishers to allow them to use gill and entangling nets to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a Pompano Special Activity License without first meeting each of the following criteria and conditions:

(a) The applicant must possess and have commercially registered a vessel or airboat no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(b) The applicant must demonstrate an average annual harvest of pompano of at least 2,000 pounds during each of the 1997-1998, 1998-1999, and 1999-2000 license years.

(c) No applicant shall receive a Pompano Special Activity License who has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(d) The applicant must agree to either take a Commission observer aboard or be observed by personnel of the Commission's Division of Law Enforcement from another vessel, during each trip taken to fish under the Pompano Special Activity License. The license will contain a condition

requiring notification of the Commission’s Division of Marine Fisheries at least 48 hours prior any trip to allow placement of an on board observer on the vessel or notification of the Division of Law Enforcement, together with submission of a float plan, at least 24 hours prior to such trip. The licensee shall provide a trip report to the Division of Marine Fisheries within 72 hours of completion of any such trip.

(e) The applicant must agree to surrender the Pompano Special Activity License if no trips have been taken within 6 months of issuance of the license.

(f) The applicant must acknowledge that violation of any of the conditions of the license may result in the revocation of the license.

(3) STATE WATERS DAILY COMMERCIAL HARVEST LIMITS – Persons harvesting pompano in state waters pursuant to a saltwater products license with a restricted species endorsement, shall be subject to a daily harvest and landing limit of 300 pounds of pompano. Such persons are subject to the gear limitations of Rule 68B-35.004(2)(b).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Spiny Lobster Trap Certificate Program

RULE TITLES:	RULE NOS.:
Definitions	68E-18.002
Spiny Lobster Trap Tags	68E-18.004
Transfer of Certificates	68E-18.005
Trap Reduction	68E-18.007
Re-allotment of Reverted Certificates	68E-18.009

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 make the technical changes necessary to conform trap certificate program implementation rules originally adopted by the Department of Environmental Protection, Division of Marine Resources, to new rule provisions being proposed elsewhere by the Fish and Wildlife Conservation Commission, to change the spiny lobster trap reduction program to a passive-active trap reduction regime. The goal is to reduce the present number of trap certificates from 542,704 to a level of 400,000. Until now, trap and certificate reduction has been entirely active. The effect this rule development together with continued trap

reductions in the spiny lobster fishery will be to further reduce mortality on sublegal lobsters and the environmental damage caused by traps.

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

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

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

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.

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 at (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:

68E-18.002 Definitions.

(1) through (9) No change.

(10) “Immediate Family” for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, ~~or step-mother, half sister, or half brother~~ of the individual certificate holder.

(11) through (15) No change.

(16) “Standardized trap reduction” and “annual trap reduction” means the ~~4 number or~~ percent ~~of~~ annual trap ~~reduction~~ ~~reductions~~ established ~~from time to time by the FWC~~ pursuant to Rule 68B-24.009, F.A.C. ~~The reduction will be applied evenly, in whole numbers of traps, to all trap certificate allocations.~~

(17) through (20) No change.

(21) “Trap tag” or “lobster trap tag” is a physical, durable, annual lobster trap identification and authorization label, furnished annually by the Commission to the certificate holder. One trap tag may be obtained by the certificate holder for each trap certificate held. The trap tag must be firmly affixed to the lobster trap each fishing season in order to place the trap in the water and use the trap to aid in the taking of lobster.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS. Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS. History–New 5-16-95, Formerly 62R-18.002, Amended

68E-18.004 Spiny Lobster Trap Replacement Tags.

(1) No lobster trap shall be used on or in the waters of the state without a current year trap tag firmly affixed thereto. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes.

(2)(+) Lost or damaged tags may be replaced upon proper verification of loss, as defined in (3) below, and payment of the replacement tag fee designated for that year have been made. Damaged tags must be turned in to the Commission. Payment for replacement tags must be made before the replacement tags are issued to the certificate holder.

(3)(-) Cost of replacement tags will reasonably reflect the actual cost charged to the Commission by the vendor manufacturing the tags, plus a fee of three dollars per order to cover processing and handling.

(4)(-) Notification of lost or damaged tags shall be a written report made to the Commission of the tag numbers lost or damaged ("Spiny Lobster Trap Tag Replacement form"), Form No. FWC 30-203, September 1995, hereby incorporated by reference, may be obtained by contacting the local Division of Law Enforcement Office. In addition, a report must be filed concurrently with the local Division of Law Enforcement Office stating the location of where the traps were lost and the circumstances of the loss.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.06(8), 370.142(6) FS. Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS. History—New 5-16-95, Amended 2-11-96, Formerly 62R-18.004, Amended.

68E-18.005 Transfer of Certificates.

(1) through (5) No change.

(6) The transferee shall have a valid SPL and a current C-number before any transfer will be authorized considered and any other licenses endorsements or other authorizations. A certificate holder who intends to close their trap certificate account by transfer of all certificates to another person's account, and who is not eligible for the restricted species endorsement, shall be exempt from the requirements of 68B-24.0055, F.A.C., for purposes of completing the transfer. However, the transferor shall not be issued a crawfish endorsement on an actual saltwater products license without the restricted species endorsement. The transferee is responsible for ensuring that all transfer/surcharge fees are paid to the Commission. Transfer fees and surcharges will be assessed only on those trap certificates actually received from the transferor by the transferee.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS. Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS. History—New 5-16-95, Amended 4-7-99, Formerly 62R-18.005, Amended.

68E-18.007 Trap Reduction.

(1) Beginning July 1, 2001, and in each subsequent year until such time as only 400,000 trap certificates are available to the fishery, the number of trap certificates shall be reduced pursuant to Rule 68B-24.009, F.A.C. The trap reduction for the 1993-94 and each subsequent regular spiny lobster season, as provided by Section 370.142, F.S., and Rule 68B-24, F.A.C., shall take place following the close of the transfer period on March 1.

(2) If the percentage reduction results in a fractional number, that partial trap represented in the fraction will be rounded off. For example, a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.5; in this application, the certificate allocation would be reduced by 18 certificates. If a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.6; in this application, the certificate allocation would be reduced by 19 certificates. For all certificate holders that have ten (10) or less certificates, any annual reduction will never be less than one (1) certificate.

(3) Any certificate allocation reduced to zero trap certificates will be deleted from the Commission's active certificate allocation records. The certificate allocation may only be reduced to zero by standardized trap reduction, sale or transfer of certificates out of the certificate holder's allocation, forfeiture, or other lawful process.

(4) During trap reduction, B-certificates will be reduced prior to the reduction of any A-certificates.

(5) Certificates allocated but not issued shall be included in an active reduction, should an active reduction be necessary in a given year pursuant to Rule 68B-24.009 the standard reduction in a given year. Each allocation will be reduced whether the tags are purchased and issued or not.

(6) Failure to pay certificate fees and other charges in any year will not exempt a certificate holder from having their certificates reduced as part of the annual reduction. All charges and fees on active and inactive certificates must be paid, including charges and fees on certificates lost to reduction.

(7) If an individual has more than one C-number and the additional C-numbers have allocated certificates, the reduction shall apply to certificates allocated to each C-number; that is, each C-number allocation shall be reduced according to the percentage reduction authorized for that year.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS. Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS. History—New 5-16-95, Formerly 62R-18.007, Amended.

68E-18.009 Re-allotment of Reverted Certificates.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History—New 5-16-95, Formerly 62R-18.009, Repealed.

Section II
Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services
RULE NO.: 2-37.010

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate by reference in the rule, an addendum to be attached to all contracts which utilize private attorney services.

SUMMARY: The proposed rule amendment incorporates by reference in the rule, Attachment A for Private Attorney Services. This addendum shall be attached to all contracts which provide for private attorney services.

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: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 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., May 8, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective 5-18-00, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 2/2001), which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

DEPARTMENT OF INSURANCE

RULE TITLES: Misrepresentation of Policy Provisions
RULE NOS.: 4-166.023

Standards for Prompt, Fair and Equitable Settlements Application to All Insurers 4-166.026

Standards for Prompt, Fair and Equitable Settlement Applicable to Automobile Insurance 4-166.027

Standards for Prompt, Fair and Equitable Settlements Applicable to Homeowners' and Personal and Commercial Fire and Extended Coverages Type Policies with Replacement Cost Coverages 4-166.028

PURPOSE AND EFFECT: Repeal rules 4-166.023, 4-166.026-.028, FAC. pursuant to Section 120.536(2), F.S. review.

SUMMARY: These rules do not interpret or implement the statutes cited as "Law Implemented" [624.307(1), 624.3161, F.S.]. Therefore these rule should be repealed.

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 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161 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: 11:00 a.m., April 14, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wayne Johnson, Insurer Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, FL 32399-0314, (850)922-3148