

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

Table with 2 columns: RULE TITLES and RULE NOS.:
Clear Indication of Voter's Choice on a Ballot 1S-2.027
State Write-in Ballot 1S-2.028
Eligibility for Late Registration by Overseas Citizens 1S-2.029

Table with 2 columns: RULE TITLES and RULE NOS.:
Electronic Transmission of Absentee Ballots 1S-2.030
Recount Procedures 1S-2.031
Uniform Primary and General Election Ballot 1S-2.032
Standards for Nonpartisan Voter Education 1S-2.033
Polling Place Procedures Manual 1S-2.034

PURPOSE AND EFFECT: To establish standards for the topic titles shown above, in compliance with the requirements of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001".

SUBJECT AREA TO BE ADDRESSED: Procedural requirements and standards for implementation of the provisions of Chapter 2001-40, Laws of Florida.

SPECIFIC AUTHORITY: 97.0555, 98.255(1), 101.151(8), 101.6951, 101.697, 102.014(5), 102.166(3),(5)(b),(6)(c) FS. (as amended by Chapter 2001-40, Laws of Florida), 101.015 FS.

LAW IMPLEMENTED: 97.0555, 98.255(1), 101.151(8), 101.6951, 101.697, 102.014(5), 102.166(3),(5)(b),(6)(c) FS. (as amended by Chapter 2001-40, Laws of Florida)

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

TIME AND DATE: 1:30 p.m., June 7, 2001

PLACE: Saddlebrook Resort - Tampa, 5700 Saddlebrook Way, Wesley Chapel, Florida 33543-4499

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

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

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.:
Violent Crime Emergency Account 11N-1
RULE TITLES: and RULE NOS.:
Purpose 11N-1.001
Criteria 11N-1.002
Limitations 11N-1.003
Procedures for Emergency Funding 11N-1.004
Procedures for Formal Funding Requests Contributions 11N-1.005
Annual Audit 11N-1.006

PURPOSE AND EFFECT: To review and update Chapter 11N pursuant to legislative amendments to s. 943.031 and 943.042, F.S., to allow funding for illicit money laundering investigative efforts or task force efforts to contribute to achieving the state's goal of reducing drug-related crime.

SUBJECT AREA TO BE ADDRESSED: The Violent Crime Council's funding for multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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: 8:30 a.m., Monday, June 11, 2001

PLACE: Embassy Suites Orlando Downtown, San Juan Rooms 2 & 3, 191 E. Pine Street, Orlando, Florida 32801

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE TITLES:	RULE NOS.:
Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause	12E-1.008
Suspension of Driver's License; Suspension of Motor Vehicle Registration	12E-1.023
Written Agreements for Payment of Past-Due Support	12E-1.027
Garnishment by Levy	12E-1.028

PURPOSE AND EFFECT: A) The purpose of the draft proposed amendments to Rule 12E-1.008, F.A.C., is to revise the department's policies and procedures concerning the determination of cooperation, noncooperation, and good cause. The effect of the draft proposed amendments is to establish: requirements for public assistance applicants and recipients to cooperate in good faith with the child support enforcement program; a methodology for determining cooperation, and noncooperation; the requirement to give notice of a pending determination of noncooperation and an opportunity to request a review of the determination; provisions for claiming good cause for noncooperation; a methodology for determining good cause; procedures for notifying the Department of Children and Families of determinations of noncooperation and subsequent determinations of cooperation.

B) The purpose of the draft proposed amendments to Rule 12E-1.023, F.A.C., is to conform with the statutory provisions authorizing the Department to seek the suspension of an obligor's driver license and motor vehicle based upon delinquent child support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to paternity or child support proceedings. The effect of the draft proposed amendments is to ensure all obligors understand the driver license and vehicle registration suspension process, including: the criteria for when the department may seek suspension; the exception criteria for when the department will not seek suspension; the procedures for giving notice of the intent to suspend; the conditions for terminating the suspension process; procedures for entering into written agreements with obligors; and the conditions and procedures for reinstating a suspended license.

C) The purpose of the draft proposed new Rule 12E-1.027, F.A.C., is to establish procedures for the department to settle enforcement actions by entering into written agreements with child support obligors for the payment of past-due support. The effect of the draft proposed rule is: to establish factors the department will consider in entering into written agreements, to require disclosure of information related to those factors, to require certain terms in written agreements, and to make requirements for the form and completion of written agreements.

D) The purpose of the draft proposed new Rule 12E-1.028, F.A.C., is to implement the provisions of s. 409.25656, F.S., for levying upon a child support obligor's property in the possession of another person. The effect of the draft proposed rule is to establish: factors to be considered in selecting cases for levy; conditions when the department will not issue a notice of freeze or notice of levy; requirements in issuing a notice of freeze, notice of intent, and notice of levy; circumstances when the department will release a freeze; conditions for an obligor consenting to a levy; requirements in levying in two or more of an obligor's cases; requirements in levying against jointly owned property; and limits on levying against current earnings in an account at a financial institution.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's procedures specified above.

SPECIFIC AUTHORITY: 409.2557(3)(f),(h),(i), 409.2564(14), 409.25656(11) FS.

LAW IMPLEMENTED: 61.13016, 322.058, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.25656, 409.2572, 409.2598 FS.

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

TIME AND DATE: 9:00 a.m., June 4, 2001

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Mike Vergenz, Senior Management Analyst II, Department of Revenue, Resource Management Process, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Mike Vergenz, (850)922-9568. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: For information concerning the proposed changes to Rules 12E-1.008 and 12E-1.023, contact Phil Scruggs, Senior Management Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, and for information concerning the proposed new rules 12E-1.027 and 12E-1.028, contact Mike Vergenz, Senior Management Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 12E-1.008 follows. See Florida Administrative Code for present text.)

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) Definitions and Federal and State Law.

(a) Definitions. As used in this section:

1. "Applicant or recipient" means an individual who has applied for or receives public assistance.

2. "Cooperation" means an applicant or recipient taking the actions identified in s. 409.2572, F.S., as requested by the child support enforcement program or legal service provider staff, to assist in identifying and locating the noncustodial parent, establishing paternity, establishing, modifying, and enforcing medical and financial support, and collecting support or other payments or property due from the noncustodial parent.

3. "Department" means the Department of Revenue.

4. "Good cause" means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the department, after evaluating the applicant or recipient's written good cause claim, and other evidence available to the department, in accordance with subsection (5) of this rule.

5. "Public assistance" means food stamps received on behalf of a child under 18 years of age who has an absent parent, money assistance paid on the basis of foster care or medicaid programs operating under Title IV-E and Title XIX of the Social Security Act, respectively, or temporary cash assistance.

(b) Federal and state laws. Cooperation provisions are located in 42 U.S.C. 608(a), 42 U.S.C. 654(29), 45 CFR 264.30 and ss. 409.2572, 414.095(7) and 414.32(1)(a), F.S. Members of the public may obtain copies of the federal laws from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://uscode.house.gov/usc.htm> to obtain the above U.S.C. or <http://www.access.gpo.gov/nara/cfr/> to obtain the above CFR on the Internet.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or a recipient must cooperate in good faith with the child support enforcement program. An adult who applies for or receives Medicaid services for a child only is not required to cooperate as provided by this rule. The requirement for an applicant or a recipient to cooperate with the child support enforcement program will be excused only when good cause for refusing to do so is determined in accordance with subsection (5) of this rule.

(a) Cooperation Requirement for Applicants for Public Assistance.

1. If an applicant for public assistance provides to the department, either directly or via the Department of Children and Families, the following information concerning the noncustodial parent for each eligible child, the applicant shall be determined to have cooperated for purposes of eligibility for public assistance:

- a. Name (first and last)
- b. Gender
- c. Race
- d. Date of birth or social security number

2. If an applicant fails to provide the four items listed in subparagraph 1. above, the applicant must be interviewed by the department prior to authorization of public assistance benefits. At this interview the applicant will have the opportunity to cooperate with the department by providing information concerning the noncustodial parent for each eligible child that will help the department to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support and other payments or property due from the noncustodial parent or claim good cause as provided by subsection (5). An applicant who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to paragraph (b), subparagraph 2., below, has demonstrated cooperation with the department.

3. An applicant shall not be eligible for public assistance benefits when the applicant fails to cooperate with the department in accordance with subparagraphs 1. and 2. above. The department shall notify the Department of Children and Families of the applicant's failure to cooperate, in accordance with subsection (6).

4. Once the applicant complies with subsection (2), paragraph (a), subparagraphs 1. or 2. and is determined eligible to receive public assistance, the recipient shall be required to further cooperate with the department in accordance with subsection (2), paragraph (b), of this rule and s. 409.2572, F.S.

(b) Continuous Cooperation Requirement.

1. A recipient of public assistance must continue to make a good faith effort to cooperate with the department in accordance with s. 409.2572, F.S., to assist the department in its efforts to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support or other payments or property due from the noncustodial parent.

2. With respect to identifying and locating the noncustodial parent, the recipient must provide the following information regarding the noncustodial parent, when requested and if available:

- a. Social Security Number
- b. Race
- c. Date of birth
- d. Current or former employer

e. Place of birth

f. Current or former address and phone number of the noncustodial parent

g. Schools attended and dates when attended

h. Drivers license number and state where issued

i. Make, model and license number of vehicles owned by the noncustodial parent and state where vehicle is or was registered

j. Arrest or incarceration history

k. Banks or other financial institutions where the noncustodial parent conducts business

l. Places of social contact. This includes names, addresses or telephone numbers of parents, friends or relatives.

m. First and last names of the noncustodial parent's parents

n. Other information, based upon individual case circumstances, that will assist the department in determining the noncustodial parent's identity and location.

2. A recipient who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to subsection (2), paragraph (b), subparagraph 2., above, has demonstrated cooperation with the department.

(3) Determination of Noncooperation. If the recipient of public assistance fails to cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2) above, then the department shall determine the recipient noncooperative and take the following action.

(a) The department shall send notice of the recipient's noncooperation to the recipient at the last known address provided to the department.

(b) Failure of the recipient to take one of the following three actions within 10 business days from the mail date on the notice shall result in a determination of noncooperation and notification to the Department of Children and Families in accordance with subsection (6) of this rule:

1. Contact the department and make arrangements to cooperate. Noncooperation shall not be reported by the department if the recipient takes the requested action by the scheduled compliance date.

2. When the recipient responds within the 10 days allowed and claims to have a good cause reason to not cooperate, the recipient shall not be reported as uncooperative unless the good cause claim is denied by the department pursuant to subsection (5). Food stamp only recipients must request a good cause determination from the Department of Children and Families.

3. Request the department to conduct an informal review pursuant to subsection (4).

(4) Request for Review.

(a) The recipient may request a review of a pending determination of noncooperation. The department shall provide the recipient with the necessary documentation to request a review. The recipient must return the completed request to the

department within 10 business days from the date the department mails the documentation to the recipient. If the recipient telephones the department and requests a review, the department shall mail the necessary documentation to the recipient within five business days of the telephone call. Failure of the recipient to return the request within the designated time shall result in the department notifying the Department of Children and Families that the recipient has failed to cooperate.

(b) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), subparagraph 3, shall be finalized within 20 business days of receipt of a completed request for review. Incomplete requests provided to the department shall be returned to the recipient, with an explanation of the additional information required. The recipient will have five additional business days to return the completed request for review. When a request for review is not returned within the five additional business days, the recipient shall be determined noncooperative and the department will notify the Department of Children and Families. The department shall take the following actions when a completed request for review is received by the department.

1. Schedule a date to conduct the review.

2. Provide notice of the date, time and place of the review to the recipient, or their representative. Recipients shall be informed of their rights to have a representative present at the review, to provide information, to review the case file and to discuss the case.

3. Conduct the review. Reviews shall consist of an examination of the department's case file, interview with department staff and an evaluation of the recipient's statements. The record shall be reviewed to determine whether:

a. The recipient has cooperated with the department in good faith;

b. The department has complied with established time frames and notices; and,

c. The facts of the case support a determination of noncooperation.

4. Notify the recipient in writing of the department's findings.

(5) Determination of Good Cause. The department is authorized in accordance with 42 U.S.C. 654(29), and s. 409.2572(4), F.S., to determine a recipient's claim of good cause for failure to cooperate with the department, except when the recipient is receiving only food stamps. Food stamp only recipients must seek a good cause determination from the Department of Children and Families. An approved good cause claim excuses the recipient from the requirement to cooperate with the department on the specific case against a specific noncustodial parent for which good cause is approved.

(a) The department shall provide the recipient with written notice of their right to make a claim for good cause, the basis for submitting a claim, and how to submit a claim.

(b) The recipient shall return documentation to the department to support the claim of good cause within 20 business days from the date the written notice is mailed by the department. If the recipient is unable to provide all the needed documentation within 20 business days, additional time can be requested by the recipient. The department shall approve requests for additional time as determined on a case-by-case basis, taking into account the unique circumstances for the delay in receiving the documentation. Failure of the recipient to submit documentation by the due date creates a presumption that the recipient is noncooperative.

(c) Good cause shall be determined when the recipient provides sufficient evidence, based upon the unique circumstances of the good cause claim, to justify the existence of one or more of the following circumstances.

1. A reasonable certainty that physical or emotional harm would come to the child or recipient, if they cooperated with the department.

2. The child was born as a result of rape or incest.

3. Legal proceedings for the adoption of the child are pending before a court.

4. The parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether to place the child for adoption.

(d) Good cause claims which have been determined by the department are categorized as approved indefinitely, approved time-limited, or denied, based upon the unique factors of each claim and the documentation provided by the recipient. The department shall suspend child support enforcement case activities from the time a good cause claim is submitted until its final determination.

1. A claim is approved indefinitely when documentation is submitted to substantiate the claim and the circumstances of the claim will most likely continue.

2. A claim is approved time-limited when documentation is submitted to substantiate the claim and the circumstances of the claim are likely to change within a determinable period.

3. A claim is denied when documentation is insufficient to substantiate the claim.

(e) The department shall notify the recipient of the decision.

(f) A recipient whose claim has been denied pursuant to paragraph (d), subparagraph 3, above, must cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2). If the recipient fails to cooperate, the process of determining noncooperation shall commence.

(6) Notification to the Department of Children and Families.

(a) In accordance with s. 409.2572(3), F.S., the department is responsible for determining and reporting to the Department of Children and Families, acts of noncooperation by applicants and recipients of public assistance.

(b) The Department of Children and Families is the agency responsible for imposing and removing sanctions, to include providing the applicant or recipient notice of the sanction, information about hearing requirements, to include, the applicant or recipient's right to request a hearing with the Department of Children and Families, Office of Appeal Hearings.

(c) The department shall notify the Department of Children and Families when the applicant or recipient cooperates with the department in accordance with s. 409.2572, F.S., or when the department determines that an applicant or recipient has failed to cooperate, or when the department determines that good cause exists for the applicant or recipient's noncooperation.

(d) The department shall notify the Department of Children and Families and the applicant or recipient within two business days of either:

1. The department's determination that the applicant or recipient is cooperating in good faith,

2. Upon the department's determination that cooperation by the applicant or recipient is not needed to take the next appropriate case action, or

3. The department's determination that good cause exists for the applicant or recipient's noncooperation.

Specific Authority 409.2572(3)(h) FS. Law Implemented 409.2572 FS. History--New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended _____.

(Substantial rewording of Rule 12E-1.023 follows. See Florida Administrative Code for present text.)

12E-1.023 Suspension of Driver's License; Suspension of Motor Driving Privilege and Vehicle Registration.

(1) Suspension Criteria. The department is authorized pursuant to section 61.13016, F.S., to request the suspension of an obligor's driver license and motor vehicle registration. Suspension of an obligor's driver license and the registration of all motor vehicles solely owned by the obligor shall occur when the following case circumstances exist:

(a) The obligor is 15 days delinquent in making a payment in child support.

(b) The obligor fails to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or child support proceedings. The department shall stop a suspension action when the obligor complies with one of the provisions stated in subsection (5) of this rule.

(2) Exception Criteria. The department shall not take suspension action when the following case circumstances exist:

(a) The obligor is making full payments as required by the court order or is paying pursuant to an income deduction.

(b) The obligor is a recipient of Temporary Cash Assistance or Supplemental Security Income (SSI).

(c) The obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(3) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration. In accordance with section 61.13016(1), F.S., the obligor must be provided notice of the department's intent to suspend the driver license and motor vehicle registration.

(a) When the department has a more current address than the Department of Highway Safety and Motor Vehicles (DHSMV), the department shall simultaneously send the notice to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles and send a copy of the notice to the most current address listed by the department.

(b) Service of the notice is complete upon mailing to the obligor's last known address as stated in subsection (3), paragraph (a) above.

(4) Notice to the Department of Highway Safety and Motor Vehicles to Suspend Driver License; Notice to Suspend Vehicle Registration. In accordance with section 61.13016(2), F.S., the department shall complete and send to the Department of Highway Safety and Motor Vehicles the notice to suspend obligor's driver license and vehicle registration(s).

(5) Termination of Driver License Suspension Process; Termination of Motor Vehicle Registration Suspension Process. The department shall stop a pending suspension action when the obligor complies with one of the provisions stated in section 61.13016(1)(c)1., F.S. Additionally, the department shall stop the suspension process based upon one of the following circumstances:

(a) An income deduction notice is sent to the obligor's payor of income;

(b) The non-public assistance recipient of IV-D services requests case closure and the department no longer has the authority to enforce the support order;

(c) The department erroneously notified the Department of Highway Safety and Motor Vehicles to suspend the obligor's license/vehicle registration;

(d) The department verifies the obligor is receiving Temporary Cash Assistance or Supplemental Security Income (SSI); or

(e) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(6) Written Agreements.

(a) When negotiating with the obligor under this subsection for a written agreement for payment, the department shall take into account the following factors:

1. The obligor's ongoing support obligation amount, delinquent amount and past due obligation(s); and

2. The obligor's ability to make a lump sum payment toward the delinquent amount or to comply with terms of the department's proposed payment agreement.

(b) A statement must be included in the written agreement indicating each of the following:

1. The obligor admits liability for the total amount of child support past due; and

2. The obligor agrees that the department will pursue, without further notice to the obligor, the suspension of the obligor's driver license and motor vehicle registration through direct notice to the Department of Highway Safety and Motor Vehicles should the obligor fail to comply with the written agreement.

3. The obligor agrees to entry of a court order incorporating the terms of the agreement.

(c) If the obligor defaults on any payment required by the written agreement, the department shall, without further notice to the obligor, request the Department of Highway Safety and Motor Vehicles to suspend the obligor's license and registration, as provided by the terms of the written agreement, unless one of the circumstances listed in subsection (5) exists.

(7) Reinstatement of the Driver License; Reinstatement of Motor Vehicle Registration. The department shall authorize the reinstatement of the obligor's license and registration when the obligor complies with one of the provisions stated in section 322.058(2), F.S., or when one of the following circumstances exist:

(a) The obligor complies with a subpoena or similar order to show cause relating to paternity or child support proceedings;

(b) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13;

(c) The non-public assistance recipient of services requests case closure and the department no longer has the authority to enforce the support order;

(d) The department has requested the suspension in error; or

(e) The department verifies the obligor is receiving Temporary Cash Assistance or Supplemental Security Income (SSI).

(8) Procedure for Reinstatement.

(a) When one of the circumstances cited in subsection (7), paragraph (a), (b) or (c) occurs, the department shall complete, sign and provide to the obligor an affidavit to reinstate driver license/privilege and motor vehicle registration. The obligor must present this affidavit to the driver license examining office before the obligor's license and registration can be reinstated. The affidavit to reinstate is valid up to 30 days from the date it is issued.

(b) When the circumstance cited in subsection (7), paragraph (d) occurs, the department shall notify, by facsimile, the Department of Highway Safety and Motor Vehicles to reinstate the obligor's license and registration.

(c) When the circumstance cited in subsection (7), paragraph (e) occurs, the Department shall notify the obligor that the department is no longer pursuing suspension action at this time due to the obligor's Temporary Cash Assistance or Supplemental Security Income (SSI) status.

Specific Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History--New 7-20-94, Formerly 10C-25.020, Amended _____.

12E-1.027 Written Agreements for Payment of Past-Due Support.

(1) Scope. This rule establishes procedures for the department to settle enforcement actions in child support cases by entering into written agreements with child support obligors for the payment of past-due support. The department may enter into such written agreements in accordance with this rule.

(2) Definitions.

(a) "Authorized representative" means a representative of the department's Child Support Enforcement Program authorized in writing to complete and sign a written agreement.

(b) "Past-due support" means the amount of support determined under a court order or an order of an administrative process established under state law for support and maintenance of a child or of a child and the parent with whom the child is living, which has not been paid.

(c) "Written agreement" means an agreement entered into by the department and an obligor in a format prescribed by the department and suitable to be filed in court or administrative proceedings that sets the terms for payment of past-due support.

(3) Requirements for Entering into Written Agreements for Payment of Past-Due Support.

(a) The department may enter into an agreement with an obligor for payment of past-due support if, after considering the factors in paragraph (b), the department agrees that the obligor is currently unable to satisfy the past-due support by an immediate lump sum payment in full.

(b) The department shall consider the following factors in determining whether to enter into an agreement for payment of past due support, and shall require documentation when necessary:

1. The obligor's current income and assets;
2. The obligor's employment history, current employment and capacity for work;
3. The obligor's medically verifiable disability, if any;
4. The obligor's ability to borrow money;
5. The obligor's previous support payment record(s), if any;
6. The obligor's ability to meet a payment schedule based on projected cash flow;
7. The length of time required to pay off the past-due support under a payment schedule; and
8. Other factors as circumstances require based on the particular facts of a case.

(4) Terms of Written Agreements for Payment of Past-Due Support.

(a) An obligor completing a written agreement for payment of past-due support shall admit liability for the total amount of past-due support determined by the department to be due in accordance with the records of the appropriate court depository established by section 61.181, F.S., or other appropriate records in interstate cases.

(b) Written agreements for payment of past-due support must provide for payment(s) that will satisfy the total amount of past-due support, as follows:

1. A one-time payment of the total past-due support; or
2. Periodic payments in equal amounts, paid at the same frequency as the ongoing support obligation, if any; or
3. Another agreed upon payment schedule that satisfies the total past-due support.

(c) The department may renegotiate an agreement for payment of past-due support. When renegotiating, the department shall consider the obligor's payment record during the term of the initial agreement and the factors in subsection (3).

(d) When the department agrees to suspend an enforcement remedy to accept a payment plan, the written agreement shall provide that, in the event the obligor does not pay as agreed:

1. The department may resume the enforcement remedy without further notice;
2. The obligor consents to the department resuming the enforcement remedy; and
3. The obligor waives the right to further notice or hearing concerning the department resuming the enforcement remedy. For example, if an obligor enters into a written agreement that interrupts the department's enforcement action for suspension of a driver license and that establishes a payment plan, and the obligor subsequently does not pay as agreed, the department may resume the driver license suspension action without further notice.

(5) Form and Completion of Written Agreements.

(a) A written agreement completed under this rule must specify the obligor's name, the obligee's name, and the civil circuit case number, if applicable.

(b) A written agreement must be signed on behalf of the department by an authorized representative.

(c) A written agreement must be signed by the obligor, or the obligor's attorney, or another representative authorized by law to enter into an agreement on behalf of the obligor.

(d) A written agreement becomes effective when completed and signed by both the department and the obligor, or the obligor's representative as described in paragraph (c). After execution of a written agreement, the department shall furnish the obligor, or the obligor's representative as described in paragraph (c), and the obligee with a copy of the agreement.

Specific Authority 409.2557(3)(f), 409.2564(14) FS. Law Implemented 61.13016, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.2598 FS. History—New

12E-1.028 Garnishment by Levy.

(1) Definitions. As used in this rule:

(a) "Account" has the meaning provided by paragraph 409.25657(1)(b), F.S.

(b) "Assets" means any credits or personal property, including wages, owned by an obligor, or debts owed to an obligor, which are in the possession or control of a custodian.

(c) "Current earnings" means earnings received by an obligor from any source:

1. Within 30 days prior to the date the freeze was placed on the obligor's assets; and

2. During the time period the freeze on the obligor's assets remains in effect.

(d) "Custodian" means any person other than the obligor, including any business entity, who has control or possession of any assets owned by, or owed to, an obligor.

(e) "Freeze" means a hold placed by a custodian on an obligor's assets pursuant to a Notice of Freeze that prevents transfer or other disposition of the assets from the time of receipt of the notice by the custodian until the freeze terminates.

(f) "Joint owner" means a person who co-owns an asset with the obligor.

(g) "Levy action" means the garnishment procedure authorized by section 409.25656, F.S., beginning with the department's issuance of a Notice of Freeze, including the freeze defined in paragraph (e), and ending with either the termination of the freeze or the department's allocation of the proceeds from assets received from the custodian in the event the department issues a Notice of Levy.

(2) Case Selection.

(a) In determining whether to pursue levy actions against obligors who owe past due or overdue support and are identified in the quarterly data match system provided by section 409.25657, F.S., the department shall consider factors including, but not limited to:

1. Maximizing the dollar amount collected from levies.

2. Minimizing the potential for adverse litigation from actions to contest a levy.

3. Maximizing the use of the department's resources, and

4. Specific facts of the obligor's case.

(b) Conditions When the Department Shall Not Issue a Notice of Freeze. The department shall not send a Notice of Freeze to a custodian of assets if the department determines that any of the following conditions exist:

1. The obligor is a recipient of temporary cash assistance, as defined by subsection 414.0252(12), F.S.

2. The obligor is a recipient of Federal Supplemental Security Income (SSI) benefits.

3. The child support obligation in the case is a public assistance debt repayment only order established after March 22, 1993 in which the order amount was based solely on the total amount of public assistance paid to the family.

4. The obligor has filed for bankruptcy under Chapters 11, 12, or 13 of Title 11, USC.

5. The obligor's support obligation does not arise from a Florida support order or another state's support order that is registered for enforcement in a Florida court.

6. The amount of past due or overdue support owed in the case is equal to or less than:

a. \$600; or

b. Four times the monthly amount of the current support and arrearage repayment obligations.

(3) Notice of Freeze. If the conditions in paragraph (2)(b) do not exist, the department may send a Notice of Freeze to the custodian of assets by certified mail with return receipt requested. On receiving the notice, the custodian of assets shall not transfer or dispose of the obligor's assets, up to the amount of past due or overdue support stated in the notice, until the freeze is terminated as follows.

(a) If an action to contest the intended levy is filed, the department shall notify the custodian of assets of the contest. The freeze remains in effect until final disposition of the action to contest and the custodian shall not transfer or dispose of the assets until further notice from the department.

(b) If an action to contest is not filed, the freeze terminates at the earliest of the following:

1. 60 days after the custodian's receipt of the Notice of Freeze;

2. When the department consents to a transfer or disposition of the assets; or

3. When the custodian receives a notice of levy from the department.

(4) Notice to the Obligor of Intent to Levy. The department shall give notice of its intent to levy on the obligor's assets by sending a Notice of Intent to Levy by certified mail with return receipt requested to the obligor's last known address maintained by the department. If the department has no last known address for the obligor, the department shall send the notice to the obligor's address of record provided by the custodian of the assets, if one is provided. The notice shall inform the obligor and any joint owner of the right to contest the intended levy not later than 21 days after the date of receipt of the notice. If the obligor or joint owner meets in person with an employee of the department, the employee may hand deliver the notice in lieu of mailing it. The employee shall attest to hand delivery of the notice by completing an Affidavit of Service by Hand Delivery, which shall constitute good and sufficient proof of receipt of notice by the obligor or joint owner.

(5) Release of Freeze. In the following circumstances, the department shall release the freeze on the obligor's assets, in full or in part, as appropriate:

(a) The department determines in accordance with subsection (8) of this rule that all or part of the frozen assets belong exclusively to a joint owner.

(b) The department completes a written agreement with the obligor or the obligor and joint owner to release the freeze, in full or in part.

(c) The department determines that the freeze was in error or that the amount of past due or overdue support is less than the amount of the freeze.

(d) The department determines that all or part of the assets are current earnings that are exempt from the levy in accordance with subsection (9) of this rule.

(e) The department determines that a writ of attachment, writ of garnishment, or writ of execution issued through a judicial process involving the same asset was in effect at the time the freeze was implemented.

(f) The department determines that a bankruptcy stay has been entered on behalf of the obligor under Chapters 11, 12, or 13 of Title 11, USC.

(g) The department determines that a prior superior interest in the asset exists.

(h) The obligor or joint owner prevails at a hearing on an action to contest the intended levy.

(6) Consent to Levy.

(a) In accordance with paragraph 409.25656(7)(d), F.S., if an obligor who received a Notice of Intent to Levy consents in writing to the levy, the department shall levy before the end of the time periods provided in paragraph (10)(a) of this rule. Upon request, the department shall provide an obligor or joint owner with a Consent to Levy form.

(b) The obligor's written consent to levy must meet all of the following conditions:

1. The consent to levy must be signed and dated by the obligor and, if the asset is jointly owned, by each joint owner.

2. The consent to levy must include a statement that each party signing the consent to levy has received the Notice of Intent to Levy.

3. If the obligor or a joint owner previously filed an action contesting the intended levy, the action to contest must be withdrawn or otherwise disposed of prior to the department's acceptance of the consent to levy.

4. A consent to levy must not impose conditions on the department's levy, unless such conditions reflect the terms of a written agreement the department has entered into with the obligor or the obligor and joint owner concerning the levy.

(c) Upon receiving a written consent to levy that meets all the conditions in paragraph (b), the department may levy on the assets.

(d) Upon receiving a written consent to levy that does not meet all the conditions in paragraph (b), the department shall notify the obligor in person, in writing or by telephone that the department will not accept the obligor's consent to levy and shall explain the conditions that must be met for the department to accept the consent to levy.

(7) Levy Actions In Two or More Cases in Which an Obligor Owes Past Due or Overdue Support.

(a) If an obligor has two or more cases that meet the criteria in paragraph (2)(b) of this rule, the department shall include all of the cases in a single levy action. The past due or overdue support amount owed in each case shall be combined and listed as one amount on notices issued in accordance with this rule.

(b) Upon receipt from the custodian of the proceeds from the assets, the department shall allocate the proceeds among the cases pro rata in the same proportion as the total amount of past due or overdue support owed in each case as of the date the department issued a Notice of Levy.

(8) Levy Actions Against an Obligor's Jointly Owned Assets.

(a) When a levy action is against an obligor's jointly owned assets, the department shall provide the same notice and opportunity for a hearing to a joint owner as the department provides to the obligor, as follows:

1. A Notice of Intent to Levy given or sent to the obligor shall include a statement advising any joint owners that they have the same right to contest the levy as the obligor.

2. A joint owner may contest the department's intent to levy in the same manner as provided for an obligor by subsection 409.25656(8), F.S., and within 21 days of receipt of the Notice of Intent to Levy.

(b) If the department is informed, orally or in writing, that the joint owner has not received the Notice of Intent to Levy given or sent to the obligor, the department shall give in person to the joint owner or send by certified mail with return receipt requested to the joint owner a Notice to Joint Owner of Intent to Levy, along with a copy of the Notice of Intent to Levy previously given to the obligor. The joint owner may contest the levy within 21 days after the date of receipt of the Notice to Joint Owner of Intent to Levy.

(c) Treatment of a Claim That All or Part of Assets Belong Exclusively to a Joint Owner. The department shall not levy upon that portion of the obligor's jointly owned assets that the department determines belongs exclusively to a joint owner of the assets. Upon determining that a portion of the assets belongs exclusively to the joint owner, the department shall release such portion of the assets from the freeze.

1. The obligor and joint owner shall have the burden of proving that frozen assets belong exclusively to the joint owner and must provide proof to the department, which may include the following:

- a. Documentation of deposits made by the joint owner.
- b. Documentation that deposits were exclusively from the joint owner's funds.
- c. Account statements that correspond to the time period of the joint owner's deposits.
- d. Any other documentation necessary to prove the assets belong exclusively to the joint owner.

2. If the obligor and joint owner fail to provide proof in accordance with subparagraph 1., the department shall reject the claim.

3. If the department cannot determine the validity of a claim based on the information provided by the obligor and joint owner, the department may release the freeze upon such terms as may be agreed by all parties.

(d) An agreement between the department and the obligor and joint owner to partially release a freeze on joint assets shall be reduced to writing and executed by the parties.

(9) Limits on Levying Against Current Earnings.

(a) If the department determines the freeze on an obligor's account in a financial institution includes the obligor's current earnings, as defined in paragraph (1)(c), the department shall not levy from the current earnings an amount that is greater than the limits on garnishments provided by the Consumer Credit Protection Act (CCPA), 15 USC 1673(b).

(b) Funds in an account that are not current earnings are not subject to the limits in paragraph (a).

(c) A support payment paid from current earnings shall apply dollar for dollar to lower the limits in paragraph (a).

(d) An obligor who claims that the department has frozen current earnings that would be exempt from a levy under this subsection must provide the department with the following proof concerning the current earnings and the account:

- 1. The pay date or dates of the current earnings received by the obligor;
- 2. The gross amount of the current earnings;
- 3. The amount of mandatory deductions from current earnings for state, federal or local taxes; Social Security taxes; and Medicare taxes;
- 4. The net amount of the current earnings;
- 5. The pay interval for the current earnings, such as weekly, bi-weekly or monthly;
- 6. The amount of current earnings deposited in the account and the deposit date or dates;
- 7. The dates and amounts of all debits and withdrawals from the account, from the first date of deposit of current earnings until the date of the freeze.
- 8. If the amount of the freeze equals the amount requested to be frozen in the Notice of Freeze, the total balance of the account as of the close of business on the date of the freeze must be documented, including any amounts exceeding the freeze amount.

(e) Upon receipt of the proof required by paragraph (d), the department shall determine if the amount that has been frozen includes current earnings that are exempt from levy under this subsection. Upon determining that exempt current earnings have been frozen, the department shall notify the financial institution to release the exempt portion of current earnings from the freeze.

(10) Notice of Levy.

(a) Unless the obligor and each joint owner, if any, consents to a levy as provided in subsection (6) of this rule, the department shall not send a Notice of Levy to the custodian of the obligor's assets until after the latest of the following time periods:

1. Thirty days from the date the custodian of assets received the Notice of Freeze (the first day of this time period is the day after the date the custodian received the notice); or

2. Thirty days from the earlier of the dates the department sent or hand delivered the Notice of Intent to Levy to the obligor in accordance with subsection (4) of this rule (the first day of this time period is the day after the date the department sent or hand delivered the notice); or

3. If the intended levy is contested in accordance with subsections 409.25656(8) and (9), F.S., the department shall not send the Notice of Levy to the custodian until after a final disposition occurs that is favorable to the department.

(b) The department shall send a Notice of Levy to the custodian by certified mail with return receipt requested.

(c) The department may send a Notice of Levy only after determining, on the date of issuance of the notice, that none of the conditions in subparagraphs 1. through 5. of paragraph (2)(b) exist. The department may send a Notice of Levy if the conditions in subparagraph 6. of paragraph (2)(b) exist, provided the past due or overdue support owed in the case is greater than zero.

Specific Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision

RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures relating to early termination of supervision. The effect of the rule is to establish eligibility criteria for consideration for early termination and establish routing and notification procedures for recommendations for early termination.

SUBJECT AREA TO BE ADDRESSED: Early termination of supervision.

SPECIFIC AUTHORITY: 948.04 FS.

LAW IMPLEMENTED: 944.09, 948.04 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:

33-302.111 Early Termination of Supervision.

(1) Correctional probation officers shall consider recommendations for early termination of supervision on offenders who meet the following criteria:

(a) Completion of one-half of the supervision period or at least eighteen months, whichever is greater;

(b) Payment in full of restitution, fines, and court costs;

(c) Cost of supervision is current;

(d) All special conditions of supervision are Fulfilled;

(e) An FCIC/NCIC records check reveals no new arrest during the course of supervision of which the sentencing or releasing authority has not been previously notified;

(f) The offense is not a sex offense as defined in Chapters 794, 827 or section 948.04, F.S.;

(g) No violations are pending; and,

(h) The offender has made significant life improvements and is no longer in need of supervision.

(2) The officer will also take into account other factors before recommending an early termination including:

(a) The seriousness of the offense;

(b) The offender's prior record;

(c) Any potential threat to the community resulting from early termination of supervision;

(d) The offender's previous supervision history; and,

(e) Known objection from the victim, victims, or the State Attorney's office in the county from which the sentence originated.

(3) Once a recommendation for early termination is approved by a supervisor, a request must be sent to the State Attorney's Office requesting their approval. If the offense involved a victim, the officer will request the State Attorney's Office to obtain the victim's consent to the early termination. The Recommendation to Early Terminate Probation or Community Control, Form DC3-272, or a letter that contains the information required in Form DC3-272, shall be forwarded to the State Attorney's office, citing the officer's justification for an early termination of supervision. Form DC3-272 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 _____ . If the State Attorney's office denied the request, or the victim opposes the early termination, the officer shall notify the offender that the department will not proceed with the early termination recommendation.

(4) If the State Attorney's Office approves the recommendation, and no objection is made by the victim, the officer shall prepare a Petition For and Termination of Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and reasons for recommending the early termination. Form DC3-257 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 _____ .

(5) The officer will notify the offender of the judge's decision upon receipt of the response, and if granted, the officer will review the restoration of civil rights process with the offender and provide her or him with a copy of Form DC3-257.

Specific Authority 948.04 FS. Law Implemented 944.09, 948.04 FS. History- New _____ .

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property
 RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and clarify the procedures for handling inmate's lost property claims.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (12) No change.

(13) Missing Inmate Property.

(a) When an inmate's property is being returned after being stored for any reason and items documented on the inmate property list, form DC6-224, if items of impounded property cannot be located when the property is returned to an inmate, a written report of this fact shall be documented on the

form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

~~(b) If the grievance is approved, listing the missing items and their possible value, with attached property records documenting ownership, shall be given to the assistant warden or other designee of the warden shall, who will conduct an or initiate a thorough investigation of the loss. The investigation shall be completed and forwarded within thirty (30) days.~~

~~(a) The Assistant warden or other designee shall complete the investigation and forward the findings to the warden or Officer in Charge within thirty (30) days.~~

~~(b) The Assistant warden's or designee's report will identify any employee determined by the investigation to be responsible for the loss.~~

~~(c) If the lost or stolen property cannot be located and returned, the inmate suffering the loss shall be advised to pursue the loss through the inmate grievance procedure.~~

~~(c)(d) If the loss is claims are substantiated by the investigation, the warden shall forward to the regional director or designee a cover letter with recommendation of payment amount, along with a copy of the investigation with supporting documentation including proof and verification of ownership (Form DC6-224), and a completed Department of Insurance Lien Disclosure through inmate property records to the Regional Director or his designee outlining reasons for recommending reimbursement.~~

~~(d)(e) The Regional Director or his designee shall:~~

~~1. Ensure that the claim has been properly investigated and contains all supporting documents, and forward the claim to the Department of Corrections Environmental Health, Safety and Risk Management Office; or.~~

~~2. Ensure that supporting documents provide evidence of ownership of lost or destroyed property.~~

~~3. Return the claim to the institution for further investigation or action if the claim is incomplete or if there is insufficient evidence available to support the claim.~~

~~4. Forward the claim and supporting documents to the Office of the Inspector General, Risk Management Section, for processing if the claim is complete.~~

~~(e)(f) The Department of Corrections Environmental Health, Safety and Risk Management Section of the Office of the Inspector General shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the regional office of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office for this purpose.~~

~~(f)(g) In the event that the Department of Insurance, Division of Risk Management, decides to pay any or all of the inmate's claim, the following procedure will be followed:~~

~~1. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will receive the check for deposit and payment package will be received by the Risk Management Section of the Office of the Inspector General.~~

~~2. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will notify the Environmental Health, Safety and check will be retained in the Risk Management Section of the Office via memo or e-mail of the deposit of the inmate's claim check of the Inspector General and the lien disclosure form provided by the Department of Insurance and the property release form will be forwarded to the regional office servicing the institution where the inmate is currently housed.~~

~~3. The regional office will forward the lien disclosure and property release for signature to the institution where the inmate is currently housed.~~

~~4. After the inmate signs the forms, the original documents will be sent to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office. If the inmate refuses to sign any of the documents, the refusal shall be documented in writing and returned to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office.~~

~~5. When the Inspector General's Office receives its copy from the institution (provided the inmate has signed the documents), the check will be forwarded to the inmate bank for deposit and distribution as directed by the Department of Insurance. If the inmate has refused to sign the documents, the check will be returned to the Department of Insurance along with the refusal documents.~~

~~(14) through (15) No change.~~

~~(16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope.~~

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

~~(f) DC6-238, Report of Risk Management Claim for Inmate Property, effective date _____ November 21, 2000.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Manner of Application	61G5-18.002
Re-examination	61G5-18.004
Endorsement of Cosmetologists	61G5-18.007

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Manner of Application; Re-examination; Endorsement of Cosmetologists.

SPECIFIC AUTHORITY: 120.53, 477.016, 455.217(1), 477.019(5), 477.016 FS.

LAW IMPLEMENTED: 477.019, 455.217(2), 477.022, 477.019(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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Salon Requirement	61G5-20.002
Mobile Salons	61G5-20.010

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Salon Requirement; Mobile Salons.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025, 477.025(10) 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, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Endorsement of Specialty Registration Who May Apply	61G5-29.011 61G5-29.012

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Endorsement of Specialty Registration; Who May Apply.

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201 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, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE:	RULE NO.:
Hair Braiding, Hair Wrapping, and Body Wrapping Registration	61G5-31.003

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Hair Braiding, Hair Wrapping, and Body Wrapping Registration.

SPECIFIC AUTHORITY: 477.0132, 477.016, 477.026(1)(f) FS.

LAW IMPLEMENTED: 477.0132, 477.026(1)(f), 477.029 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, IF AVAILABLE, IS: Julie

SPECIFIC AUTHORITY: 376.3078(4) FS.

LAW IMPLEMENTED: 376.3078(4) FS.

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

TIME AND DATE: 9:00 a.m. continuing until completion, but no later than 5:30 p.m., June 20, 2001, in conjunction with a workshop for Rule 62-777

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: William E. Burns, Jr., Department of Environmental Protection, Bureau of Waste Cleanup, M.S. 4520, Room 372, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)488-0190, or at the e-mail address bill.burns@dep.state.fl.us.

A copy of the preliminary rule text is not available at this time. A mailing list is being compiled for future mailings of any preliminary rule text. For placement of a name on the mailing list or for a copy of any preliminary rule text when the text becomes available please contact: William E. Burns, Jr., at the above address.

A copy of the workshop agenda may be obtained by contacting the above named person or an electronic copy may be obtained at the Internet address: <http://www.dep.state.fl.us/dwm/programs/drycleaning/default.htm>

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Service Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD) at least 48 hours prior to the workshop.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 01-27R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures for Coastal

Construction and Excavation

(Permits for Construction Seaward of the Coastal Construction Control

Line and Fifty-Foot Setback 62B-33

PURPOSE AND EFFECT: To address statutory changes made during the 2000 legislative session. Amendments are necessary due to the implementation of the Florida Building Code. Upon the effective date of this code a portion of the Coastal Construction Control Line program will no longer be implemented by the Department's Office of Beaches and Coastal Systems.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for construction and excavation seaward of a coastal construction control line.

SPECIFIC AUTHORITY: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., June 5, 2001

PLACE: Conference A, Douglas Bldg., 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT AND WORKSHOP AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

If accommodation for a disability is needed to participate in this activity, please notify Rosaline Beckham, (850)487-1262, Extension 186, or 1(800)955-8771 (TDD), or 1(800)955-8770 (Voice), VIA, Florida Relay Service, at least seven days before the meeting.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: RULE NO.:
Disciplinary Guidelines 64B-30.002

PURPOSE AND EFFECT: The Board of Massage Therapy determined it necessary to review and update the disciplinary guidelines and further define the penalties for each violation.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.073(4), 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 456.073(4), 456.079(1),(2),(3),(4), 480.041, 480.046, 480.047 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE JULY 26, 2001 MEETING OF THE BOARD OF MASSAGE THERAPY, IN ORLANDO, FLORIDA. THE LOCATION OF THE MEETING MAY BE OBTAINED BY CONTACTING THE BOARD OF MASSAGE AT THE ADDRESS HEREIN.

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 Ms. Angela Richardson, Acting Executive

Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256. If you are hearing or speech impaired, please contact the agency by calling (850)245-4587, 1(800)955-8770 Voice and 1(800)955-8771 TDD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, THE LOCATION OF THE MEETING AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Angela Richardson, Acting Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

THE PRELIMINARY TEXT OF THE RULE BEING DEVELOPED IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Continuing Education During Initial Licensure Period

RULE NO.: 64B2-13.007

PURPOSE AND EFFECT: The Board proposes to reduce the continuing education required of practitioners during their first biennium of licensure.

SUBJECT AREA TO BE ADDRESSED: Continuing education during initial licensure period.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 455.564(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure.

~~(1) Any person who is initially licensed in the first 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least forty (40) hours of continuing education, five (5) of which shall concern risk management, during the biennium in which licensure was obtained.~~

~~(2) Any person who is initially licensed in the second 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least twenty~~

~~(20) hours of continuing education, three (3) of which shall concern risk management, during the biennium in which licensure was obtained.~~

Specific Authority 460.405, ~~460.408, 456.013(6)~~ FS. Law Implemented ~~456.013(6), 455.564(4)~~ FS. History—New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician

RULE NO.: 64B3-5.004

PURPOSE AND EFFECT: With regard to technicians, the Board proposes to amend the histology qualifications and to set forth qualifications in the area of molecular genetics.

SUBJECT AREA TO BE ADDRESSED: Technician.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure ~~In order to be licensed as a histology technician, an applicant shall have four (4) hours of Board approved HIV/AIDS continuing education and; a minimum of a high school diploma or its equivalent a high school equivalency diploma~~ and one of the following:

(a) Examination certification in histology by the American Society of Clinical Pathologists successfully completed a Board approved histology training program at technician level.

(b) Any individual completing a Board approved histology technician program which includes the successful completion of a written and practical examination administered by that program at the completion of the training shall be granted a technician histology license by endorsement ~~successfully completed an accredited program in histology at the technician level.~~

(c) ~~successfully completed a military clinical laboratory personnel training program in histology which shall consist of 1500 clock hours of study within 12 calendar months.~~

~~(d) five (5) years of pertinent clinical laboratory experience in histology accrued within 10 years immediately preceding application for licensure.~~

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

~~(5)(4)~~ Qualifications for Technicians Who Perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.10 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.

~~(6)(5)~~ Responsibilities of Technicians. The technician shall:

(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5).

(b) Follow the clinical laboratory's procedures for specimen handling, processing, test analyses, and reporting and maintaining records of patient test results.

(c) Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.

(d) Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.

(e) Identify problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.

(f) Document the corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00,_____.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
License Required	64B21-500.001
Application Form	64B21-500.002
Application Requirements	64B21-500.003
Verification of Supervised Experience	64B21-500.004
Experience Required	64B21-500.005
Education Requirements for	
School Psychologists	64B21-500.009
Examination	64B21-500.011
Licensure by Endorsement	64B21-500.013

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating application requirements. These amendments eliminate language that duplicates existing statutory requirements, conform the rules to changes in Chapter 456, Florida Statutes, update statutory references, and make other miscellaneous technical changes.

SUBJECT AREA TO BE ADDRESSED: Application requirements for school psychologists.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006, 456.017 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
Collection and Payment of Fees	64B21-501.001
Biennial Renewal Fee	64B21-501.003
Application Fees	64B21-501.005
Reactivation Fee	64B21-501.006
Inactive Renewal Fee	64B21-501.007
Application Fee for Inactive Status	64B21-501.008
Initial Licensure Fee	64B21-501.009
Continuing Education Provider Fee	64B21-501.010
Delinquency fee	64B21-501.011
Fee to Enforce Prohibition Against	
Unlicensed Activity	64B21-501.012
Wall Certificate and Duplicate License Fee	64B21-501.013

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating fees.

SUBJECT AREA TO BE ADDRESSED: Licensure fees associated with the practice of school psychology.

SPECIFIC AUTHORITY: 490.015, 490.007, 456.013, 456.036, 490.085, 456.025(2),(7) FS.

LAW IMPLEMENTED: 490.007(1), 456.013, 490.005, 490.006, 456.036, 490.085, 456.025(2),(7) 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
Continuing Education	64B21-502.001
Continuing Education Credit Guidelines	64B21-502.004
Initial Licensure Period	64B21-502.005

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for school psychologists.

SPECIFIC AUTHORITY: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 490.0085, 456.031 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mobile Home and Recreational Vehicle Parks	64E-15

RULE TITLE:	RULE NO.:
Permits and Fees	64E-15.010

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Chapter 64E-15.010, Permits and Fees. A problem has arisen within the administration of this program by the rule requirement to submit an annual application for existing parks and camps. The problem of requiring an annual application is a duplication of other required computer functions. The amendment would reduce the time county health departments and the owners/operators of existing parks and camps would require completing an annual application process.

SUBJECT AREA TO BE ADDRESSED: Under 64E-15.010, Permits and Fees, FAC., the statement "Applications for parks and camps that have previously been permitted shall be filed with the department at least 30 days before the expiration date".

SPECIFIC AUTHORITY: 513.05 FS.

LAW IMPLEMENTED: 513.03 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, June 6, 2001

PLACE: Division of Environmental Health, 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, FL 32399-1710

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tanning Facilities	64E-17

RULE TITLE:	RULE NO.:
Licenses and Fees	64E-17.006

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Chapter 64E-17.006, Licenses and Fees, F.A.C. A conflict of purposes has created a problem with the requirement of annual applications for tanning facilities licenses. In the process of permitting, the invoice contains the information that the original or current permit already provides. If changes are made at the park or camp, management is still required to complete another application

reflecting the current status of the park or camp. The process is unduly time-consuming for both county health department and park or camp staff.

SUBJECT AREA TO BE ADDRESSED: Chapter 64E-17.006(3)(b), FAC. states "An application for renewal of the tanning facility license shall be made through the local county public health unit. The application for renewal shall be completed and received by the department not less than 30 days prior to the expiration of the current license".

SPECIFIC AUTHORITY: 381.89(13) FS.

LAW IMPLEMENTED: 381.89(3)(b) FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, June 6, 2001

PLACE: Division of Environmental Health, 4042 Bald Cypress Way, Conference Room 240P (Second Floor), Tallahassee, FL 32399-1710

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453.

THE PRELIMINARY TEXT OF PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimping and Stonecrabbing: Closed Areas and Seasons

RULE TITLE: Taylor County Shrimp Closure **RULE NO.:** 68B-38.003

PURPOSE AND EFFECT: The line established in Rule 68B-38.003, F.A.C., separates food shrimp producers from stone and blue crab trappers and smaller scale live bait shrimp producers.

During the first week of May, 2001, the Fish and Wildlife Conservation Commission was made aware that two navigational flashing light markers, numbers 18 and 22, used as visible points along the line established to separate food shrimpers from crab trappers and bait shrimpers, had been removed by the United States Coast Guard. The Commission staff determined from discussions with Coast Guard District 7 personnel in Miami that these markers would not be replaced. Emergency Rule 68BER01-1, published elsewhere in this issue, inserts latitude and longitude coordinates for the points where the flashing light navigational markers once stood. The purpose of this rule development effort is to make the same changes to the rule on a permanent basis and to also insert coordinates as well for the two other markers used in the rule to define the closure line. The effect of this effort should be to

preserve the status quo in this sensitive area where conflicts between commercial harvesters using different gear types could erupt otherwise.

SUBJECT AREA TO BE ADDRESSED: Taylor County Shrimp Closure.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.

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 LATER ANNOUNCED IN THIS PUBLICATION.

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-38.003 Taylor County Shrimp Closure.

(1) through (2) No change.

(3) Except as provided in subsection (4), no person shall operate any trawl within the following described area of state waters off Taylor County:

Beginning at a point on the shoreline of the Gulf of Mexico on the north side of the channel at Steinhatchee; thence westerly along the line of navigational buoys marking the north side of said channel to flashing light number "1" marking the outer extent of said channel (29°39.21'N., 83°27.21'W.); thence westerly to navigational flashing light number "18" (29°40.045'N., 83°35.218'W.); thence northwesterly to navigational flashing light number "22" (29°53.253'N., 83°53.01'W.); thence north-northwesterly to a privately maintained flashing light at Gamble Point near the mouth of the Aucilla River (30°04.38'N., 83°59.20'W.); thence southeasterly along the shoreline along the Gulf of Mexico to the point of beginning.

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History--New 1-1-91, Formerly 46-38.003, Amended

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE:

RULE NO.:

Reporting Requirements for Licensees
Concerning Unlicensed Insurance
Activity by Multiple Employer Welfare
Arrangements, Labor Leasing Organizations,
and Purportedly Collectively Bargained Plans 4-230.033

PURPOSE AND EFFECT: The purpose of this rule section is to require licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Department to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State. Such information will assist the Department in identifying unlicensed insurance activity in advance of its occurrence and will therefore aid in protecting the public from such activity.

SUMMARY: This rule requires licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Florida Department of Insurance to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., June 12, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Fountain, Bureau Chief, Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)413-5600

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 Phil Fountain, (850)413-5600.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-230.033 Reporting Requirements for Licensees Concerning Unlicensed Insurance Activity by Licenses Seeking to Do Business With Unlicensed Insurers Including Certain Multiple Employer Welfare Arrangements, Labor Leasing Organizations, and Purportedly Lessor, and Collectively Bargained Plans.

(1) Purpose. The purpose of this rule section is to require licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Department to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State. Such information will assist the Department in identifying unlicensed insurance activity in advance of its occurrence and will therefore aid in protecting the public from such activity agents, brokers, third party administrators and insurers to submit information to the Department prior to assisting in any way in the marketing of insurance coverage by unlicensed insurers including certain types of multiple employer arrangements identified in this rule, for the purpose of assisting the Department in identifying unauthorized insurance arrangements before the transactions occur. The reports also will help licensees identify unauthorized insurance arrangements so that they can protect themselves from potential liability for assisting in the transaction of unauthorized insurance. This rule is not intended to affect the determination of any issue arising under Public Law 93-406, the Employee Retirement Security Act, as amended from time to time.

(2) Definitions. For purposes of this rule, the following definitions shall apply.

(a) "Agent" means and includes any person holding any type and class of licensure, whether limited or unlimited, issued by the Department under Chapter 626, Florida Statutes. The term also includes any person licensed or registered by the Department as an agent, sales representative, sales agent, salesperson, runner, or bail bondsman, under any of the following statutes: 626.634 (fraternal benefit agents); 634.031 (warranty association sales person); 635.051 (mortgage guaranty insurance agent); 637.141 (optometric service plan sales representative); 637.301 (pharmaceutical service plan sales representative); 638.181 (ambulance service association