

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Privacy of Consumer Financial and Health Information
RULE CHAPTER NO.: 4-128

PURPOSE AND EFFECT: The purpose of the proposed action is to adopt rules to protect the privacy of consumer financial and health information maintained by insurers and agents, as provided in CS/SB 2174.

SUBJECT AREA TO BE ADDRESSED: The proposed rules will be based on the NAIC Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000. The rules will also be consistent with Title V of the Gramm-Leach-Bliley Act of 1999 and will address compliance with consumer protection rules adopted by the U.S. Department of Health and Human Services.

SPECIFIC AUTHORITY: 624.308(1), 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 FS.

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

TIME AND DATE: 9:00 a.m., Friday, June 15, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Roddenberry, Assistant Director, Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5104

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF INSURANCE

RULE TITLE: General Reporting Requirements
RULE NO.: 4-171.002

PURPOSE AND EFFECT: The referenced stricken portion of Rule 4-171.002, FAC., was identified as not having statutory authority, pursuant to the rules review project required by Section 120.536(2)(b), F.S. The rule requires approval of computer generated forms, the revision will only require the

filing be compatible with our electronic filing equipment. Therefore it is recommended that the rule be amended accordingly.

SUBJECT AREA TO BE ADDRESSED: The rule requires approval of computer generated forms, the revision will only require the filing be compatible with our electronic filing equipment. Therefore it is recommended that the rule be amended accordingly.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.914(5)(b), 627.918(1) FS.

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

TIME AND DATE: 9:00 a.m., Thursday, June 14, 2001

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-171.002 General Reporting Requirements.

(1) A copy of each form incorporated by reference in these rules is available to the public from the Bureau of Data Control, Division of Insurer Support Services, Department of Insurance, Larson Building, Tallahassee, Florida.

(2) Insurers may generate by computer process the required forms for reporting provided they are in the same unaltered format as the respective forms incorporated by reference in these rules. Computer-generated forms must be compatible with the approved by the Florida Department's electronic data processing equipment of Insurance prior to use for reporting.

(3) All forms are to be filled out completely in accordance with their instructions. In the event an insurer is without any data required by these rules to be reported, it shall nevertheless complete the prescribed form or forms by writing "none" in the appropriate spaces, and file the form or forms with the Department in the prescribed manner.

(4) All completed forms shall be submitted to the Department at the address in subsection (1), except as otherwise provided in these rules.

(5) Any insurer or insurer group which does not write at least 1/2 percent of the Florida market based on premiums written shall not be required to complete and submit to the Department of Insurance the forms prescribed by Rule 4-171.008. Instead of filling out form DI4-308, the insurer shall list each line of insurance that is less than one-half percent of the market and list the corresponding written premiums for each of these lines of insurance. For purposes of this rule, percentage of market shall be calculated by dividing the current premiums written for the insurer by the preceding year's total premiums written in the state for that line of insurance. In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Department based upon the Annual Statements submitted by insurance companies.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.914(5)(b), 627.915(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, _____.

DEPARTMENT OF INSURANCE

RULE TITLES: Complete Records Must be Maintained 4-184.004
Binder or Receipt Must Set Forth Coverage and Cost 4-184.011

PURPOSE AND EFFECT: This rule is being amended to delete language not authorized as a result of section 120.536(2)(b), F.S. review.

SUBJECT AREA TO BE ADDRESSED: Deletion of language not specifically authorized by law.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.425, 624.307(1), 627.413, 627.420, 627.730-.7405 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY, 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: 10:00 a.m., Tuesday, June 19, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Johnson, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5252

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-184.004 Complete Records Must be Maintained.

The company must at all times maintain complete records of all policies issued, including name and address of all insureds, who are beneficiaries, and the coverage provided; and no plan should be used that fails to require the soliciting agent to report and send to the insurance company and issuing or countersigning agent promptly all applications for insurance, or copy dailies of policies issued. If the policies are written in the home or regional office of the company, then a copy of said policy or daily report must be sent to the countersigning agent for his file. ~~If a policy covering personal property is issued by a mutual insurer or a participating stock insurer, the borrower or purchaser shall be entitled to the benefit of any dividend paid under an individual policy or certificate.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.748 FS. History--Repromulgated 12-24-74, Formerly 4-4.04, 4-4.004, Amended _____.

4-184.011 Binder or Receipt Must Set Forth Coverage and Cost.

(1) through (3) No change.

~~(4) Any insurance agent who undertakes to place only insurance for accidental property damage to a motor vehicle as defined by the Florida Motor Vehicle No-Fault Law shall personally secure from the prospective insured or applicant a signed form acknowledging the requirement that security be maintained pursuant to the Florida Motor Vehicle No-Fault Law. The signed form shall be maintained by said insurance agent in his files and shall contain the following text:~~

~~The undersigned prospective insured hereby acknowledges that the Florida Motor Vehicle No-Fault Law requires owners of motor vehicles, defined by the Law, to maintain security to comply with said Law, and further understands that any motor vehicle policy not providing personal injury protection benefits does not comply with said Law.~~

~~FAILURE TO MAINTAIN SECURITY REQUIRED BY THE LAW WILL RESULT IN THE OWNER BEING HELD PERSONALLY LIABLE FOR ALL BENEFITS PROVIDED BY THE LAW, IN ADDITION TO REVOCATION OF HIS REGISTRATION AND OPERATOR'S LICENSE.~~

Signed _____

Licensed Agent

Signed _____

Prospective Insured

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.413, 627.420, 627.730-.7405 FS. History--Amended 2-19-72, Repromulgated 12-24-74, Formerly 4-4.10, 4-4.010, Amended 1-27-92, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: Standards
 RULE NOS.: 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology (NIST) Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of 5F-2.001, FAC. is to adopt the 2001 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of 5F-2.014, FAC. is to adopt the 2001 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.001, FAC. will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 525, F.S. Proposed Rule 5F-2.014, FAC. will specify that the 2001 version of NIST Handbook 44 is the accepted standard for implementation of Chapter 525, F.S.

SPECIFIC AUTHORITY: 525.037, 525.14, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16, 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, June 13, 2001

PLACE: Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~ "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel," (approved December 10, 2000 ~~June 1999~~);

(c) American Society for Testing and Materials D 975-00 ~~D 975-98b~~, "Standard Specification for Diesel Fuel Oils" (approved December 10, 2000 ~~December 1999~~);

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2001 ~~2000~~ Edition issued November 2000 ~~1999~~, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov/ts/htdocs230/235/h442001htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: _____ RULE NO.:

Adoption of Uniform Packaging and Labeling Regulation 5F-3.001

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2001 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida.

SPECIFIC AUTHORITY: 531.41 (3) FS.

LAW IMPLEMENTED: 531.41 (13), 531.47, 531.49 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, June 20, 2001
 PLACE: Division of Standards’ Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2001 ~~2000~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2001 ~~2000~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4) FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: _____ RULE NO.:

Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, FAC. to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2001 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida’s requirements with the national requirements to facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

SPECIFIC AUTHORITY: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, June 20, 2001
 PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2001 ~~2000~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2001 ~~2000~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale
 RULE NO.: 5F-7.005
 PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2000 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The methods of sale allowable for commodities being sold by weight, measure or count.

SPECIFIC AUTHORITY: 531.41(3) FS.
 LAW IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, June 20, 2001
 PLACE: Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-7.005 Adoption of Uniform Methods of Sale.
 The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2001 ~~2000~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2001 ~~2000~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202) 512-1800 or http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
 RULE NO.: 5F-10.001
 PURPOSE AND EFFECT: The purpose of 5F-10.001 is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials. The effect of each adoption is to maintain nationally recognized standards. Two of the previously cited standards have been discontinued. The material from these has been combined with another standard. This combined standard, ASTM D 3306-00a, also has a word change in the title.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-10.001, FAC. will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 501.91, F.S.

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAW IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

TIME AND DATE: 10:00 a.m., Monday, June 11, 2001

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-10.001 Standards.

(1) The performance specifications and standards for ethylene glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-00a98, "Standard Specification for Ethylene Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 2001 April 10, 1998).

~~(2) The performance specifications and standards for propylene glycol base antifreeze are hereby incorporated by reference: ASTM D 5216-98, "Standard Specification for Propylene Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 1998).~~

~~(3) The performance specifications and standards for prediluted aqueous ethylene glycol base antifreeze are hereby incorporated by reference: ASTM D 4656-98, "Standard Specification for Prediluted Aqueous Ethylene Glycol (50 Volume % Minimum) Base Engine Coolant for Automobiles and Light Duty Service," (approved April 10, 1998).~~

(2)(4) The performance specifications and standards for recycled prediluted aqueous glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-99, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 10, 1999).

(3)(5) Copies of these documents may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses

RULE NO.: 6A-1.09441

Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to update the "Course Code Directory and Instructional Personnel Assignments" which is incorporated by reference within the rule. The effect is to provide public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adult schools of Florida including related teacher certification coverages.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed will be courses to be offered in public schools throughout Florida and the related teacher certification coverages.

SPECIFIC AUTHORITY: 236.081 FS.

LAW IMPLEMENTED: 236.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME AND DATE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barbara Elzie, Administrator, Curriculum Support Section, Division of Public Schools and Community Education, 325 West Gaines Street, Room 444, Tallahassee, Florida 32399-0400, (850)488-1701

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity that which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments" for the year in which the student is in membership.

(5) The "Course Code Directory and Instructional Personnel Assignments 2001-2002 ~~2000-2001~~" is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1) FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01,

DEPARTMENT OF CORRECTIONS

RULE TITLE: Academic Education Program Services
 RULE NO.: 33-501.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for mandatory academic education programs for inmates.

SUBJECT AREA TO BE ADDRESSED: Academic education.

SPECIFIC AUTHORITY: 944.09, 944.801 FS.

LAW IMPLEMENTED: 944.09, 944.801 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:

33-501.101 Academic Education Program Services.

(1) Upon arrival at a department of Corrections' reception center for initial processing, each inmate shall be screened and assessed to determine if the inmate meets the department's criteria for mandated academic education program services participation.

(2) Criteria for mandated academic education program services shall be based upon:

(a) Lack of a verified high school diploma, G.E.D. or college degree:

(b) Other classification or program criteria as determined by the department to ensure security and optimal program placement.

(3) When, in accordance with criteria established in (2), it is determined that an inmate is in need of academic education program services, he or she shall be assigned a priority ranking for services based upon these criteria and shall be placed into available programs or placed on a waiting list for future assignment to a program.

(4) Priority ranking for assignment shall be maintained for all inmates and updated at least monthly. Prioritization ranking shall also be based upon length of sentence remaining to be served and readiness for program services.

(5) If an inmate refuses to participate in mandatory academic education program services, the classification officer shall ensure that this refusal is documented on Form DC6-119, Inmate Refusal to Participate in Mandatory Program. Form DC6-119 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____. Inmates who refuse to participate in mandated academic education program services shall be subject to disciplinary action.

(6) Inmates discharged from the academic education program services due to program rule violations, violation of institutional rules, or behavior management problems shall be subject to disciplinary action.

(7) Inmates who refuse to participate in mandated academic education program services shall be removed from the priority listing until such time as the inmate agrees to participate in the academic education program mandated.

(8) Inmates shall only be subject to disciplinary action when a program slot is available and the inmate refuses to enter or participate in the program.

(a) If an inmate recants an earlier refusal to participate in a mandatory program, he or she shall be returned to the priority listing and the priority ranking shall be recalculated.

(b) When a program slot becomes available, the inmate shall be considered for placement into the academic education program. Inmates entering an academic education program after refusal or who are re-admitted to a program after administrative discharge per (6) of this rule shall be considered at the time of program entry for restoration of incentive gain time in accordance with Rule 33-601.105.

(9) Inmates shall not be denied access to academic education program services on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior program departure against professional advice, or disability.

Specific Authority 944.09, 944.801 FS. Law Implemented 944.09, 944.801 FS. History--New .

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Permit Fees
 RULE NOS.: 40C-1.603

Timeframe for Providing Requested Information 40C-1.1008

PURPOSE AND EFFECT: The purposes of the proposed rule amendments are to (1) revise the fee structure and fee amounts for Environmental Resource Permits, and (2) revise the time period for an applicant to respond to a request for additional information (RAI) and remove the mandate that District staff prepare a permit application for denial at the next Governing Board meeting because the applicant has failed to respond to an RAI within the allowed time period. The effects of the proposed amendments are to (1) simplify the fee structure and fee amounts for Environmental Resource Permits, and (2) extend the time period in which an applicant must respond to a request for additional information (RAI) before District staff will recommend the application for administrative denial, delegate to certain District staff the authority to further extend that time period, and provide that inactive applications that remain incomplete after the requisite time period shall be subject to denial.

SUBJECT AREAS TO BE ADDRESSED: (1) Fee structure and fee amounts for Environmental Resource Permits, and (2) timeframe for administrative permit denials.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.109, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 218.075, 373.083(5), 373.118, 373.421(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 19, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., June 21, 2001

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (12). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) through (4) No change.

(5) Chapter 40C-4, F.A.C., environmental resource permits:

(a) Individual and conceptual permits \$4,500

~~1. Systems with less than one acre of dredging or filling in wetlands or other surface waters and which involve the construction of fewer than 10 new boat slips~~ \$3,000

~~2. Systems which involve:~~

~~a. The construction of docking facilities that provide 10 or more new boat slips~~ \$6,500

~~b. Dredging and filling of one acre or greater of wetlands or other surface waters~~ \$4,500

(b) Mitigation Bank permits and conceptual approvals \$10,000 ~~4,500~~

(c) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is not increased \$1,000

(d) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is increased \$3,000

(e) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. Systems which have a project area greater than or equal to 40 acres do not involve dredging or filling in wetlands or other surface waters \$1,500 \$1,000

2. Systems which have a project area less than 40 acres and greater than 1 acre involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of 40 acres or more \$1,000 \$1,500

3. Systems which have a project area of less than or equal to one acre involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of less than 40 acres \$500 \$700

4. Systems which involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of less than or equal to one acre \$500

5. Systems which do not involve dredging or filling in wetlands or other surface waters and have a project area of less than or equal to 10 acres \$250

(f) Chapter 40C-400, F.A.C., noticed general environmental resource permits set forth in sections 40C-400.417 through 40C-400.499, F.A.C. \$100

(g) through (k) No change

(6) through (13) No change

Specific Authority ~~373.044, 373.109, 373.113, 373.171, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2)-(7) FS., Ch. 94-278, Fla. Laws. History-New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, _____.~~

40C-1.1008 Timeframe for Providing Requested Information.

The applicant shall have ~~120~~ 90 days from receipt of a request for additional information regarding a permit or license application undergoing review by the District to submit that information to the District. If an applicant requires more than ~~120~~ 90 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause shown means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The Executive Director, Assistant Executive Director, the Department Directors and Assistant Department Directors of the Departments of Water Resources and Resource Management, the Director of the Division of Water Use Regulation and any Service Center Director are authorized

to make a determination that such good cause has been provided. Any application which has not been completed by the applicant within the given time period following a request for additional information by the District shall be ~~recommended for subject to denial at the next regularly scheduled Board meeting.~~ The requested information or written request showing good cause for additional time may be submitted to the District at any time prior to the denial of the application. Denial of an application due to failure to submit requested additional information shall be a denial without prejudice to the applicant's right to file a new application. The applicant may request a section 120.569, F.S., hearing pursuant to chapter 28-106 and section 40C-1.1006, F.A.C., to dispute the necessity of the information required.

Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 120.60, 373.083(5), 373.118 FS. History-New 8-4-98, Amended 1-11-99, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40C-2.101

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Time frame for administrative permit denials.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 19, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., June 21, 2001

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, and the "Water Conservation Public Supply" requirements in Appendix I of the document entitled "Applicant's Handbook, Consumptive Uses of Water", _____ 2-8-99. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions which pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS. History--New 1-1-83, Amended 5-31-84, Formerly 40C- 2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-8-99, _____.

APPLICANT'S HANDBOOK SECTION

5.3.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown the application shall be held in active status for ~~one~~ additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference

RULE NO.: 40C-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to rule 40C-1.1008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Time frame for administrative permit denials.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.016, 373.046, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 19, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., June 21, 2001

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A., Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin", "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective _____ 8-21-00.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016, 373.046, 373.413, 373.4135, 373.4136 373.414., 373.415, 373.416, 373.421(2)-(6), 373.426 FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, _____.

APPLICANT'S HANDBOOK SECTION

5.3.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for

additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

6.4.3 If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40C-42.091
 PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District’s concurrent proposed amendment to rule 40C-1.1008, F.A.C.
 SUBJECT AREA TO BE ADDRESSED: Time frame for administrative permit denials.
 SPECIFIC AUTHORITY: 120.54(8), 373.044, 373.113, 373.171, 373.418 FS.
 LAW IMPLEMENTED: 373.413, 373.416, 373.426 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., June 19, 2001
 PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801
 TIME AND DATE: 10:00 a.m., June 21, 2001
 PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A., Jacksonville, Florida 32256
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled “Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective ~~4-11-99~~.

(2) through (3) No change.

Specific Authority 120.54(8), 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.416, 373.426. History—New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, _____.

APPLICANT’S HANDBOOK SECTION

5.6.3 If an applicant requires more than 120 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. ~~If an applicant requires more than 90 days in which to respond to the request for additional information that will complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for one additional period of up to 90 days.~~

6.4.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to respond to the request for additional information that will complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40C-44.091
 PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for

administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Time frame for administrative permit denials.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.406, 373.418 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 19, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., June 21, 2001

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B-200, Conference Room A., Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems, effective _____ ~~11-1-99~~.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented, 373.406, 373.413, 373.416 FS. History--New 10-20-92, 7-4-93, 10-3-9, 11-1-99, _____.

APPLICANT'S HANDBOOK SECTION

5.3.3 If an applicant requires more than 120 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The applicant has 90 days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 90 days in which to complete an application, the applicant may notify the District in writing of the

~~circumstances and for good cause shown, the application shall be held in active status for one additional period of up to 90 days.~~

5.3.4 If, within the given time frame, the applicant does not submit the requested information (which was requested within 30 days after receipt of the application) the application may be prepared for denial in accordance with section 40C-1.1008 ~~40C-1.605~~, F.A.C. In such instances, the applicant will be mailed or delivered a notice of the intent to take such action at a minimum of 14 days prior to the meeting at which the Board will consider denial. The applicant may request a section 120.569 ~~120.57~~, F.S., hearing pursuant to chapter 28-106 and section 40C-1.1007 ~~40C-1.511~~, F.A.C., to dispute the necessity of the information required. The applicant may present evidence to the Board stating why the permit application should not be denied. Denial pursuant to this procedure is not a determination of the merit of an application and does not preclude reapplying at a later time.

6.4.3 If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: RULE NO.:

Seals Acceptable to the Board 61G17-7.001

PURPOSE AND EFFECT: The Board proposes to review the seals in this rule to determine if amendments or other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Seals acceptable to the Board.

SPECIFIC AUTHORITY: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, 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 Veterinary Medicine

RULE CHAPTER TITLE: Continuing Education
 RULE CHAPTER NO.: 61G18-16

PURPOSE AND EFFECT: The Board proposes to discuss this chapter to determine if amendments are necessary due to the passage of recent legislation and other Board concerns.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 474.206, 474.211, 474.212, 878.058 FS.

LAW IMPLEMENTED: 474.211, 474.212, 474.214(1)(hh), 828.058 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: 8:00 a.m., or shortly thereafter, June 6, 2001

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-26R

RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
 RULE NO.: 62-302.700

PURPOSE AND EFFECT: To discuss and receive public comment on the proposed designation of the Weeki Wachee Riverine and Spring System as Outstanding Florida Waters (OFW) under Rule 62-302.700, F.A.C. The primary intent of an OFW designation is to preserve existing ambient water quality. If designated as OFW, these waters would receive a high level of water quality protection.

SUBJECT AREA TO BE ADDRESSED: The Department received a petition to designate the Weeki Wachee Riverine and Springs System as OFW under Rule 62-302.700, F.A.C. The workshop listed below is being conducted as part of the Department's analysis of the proposal to designate the Weeki Wachee Riverine System as OFW.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, 403.918 FS.

THE DEPARTMENT ALSO ANNOUNCES A PUBLIC WORKSHOP FOR RULE DEVELOPMENT TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., Thursday, July 26, 2001

PLACE: Hernando County Board Chamber Room, 20 North Main Street, Brooksville, Florida 34601

If an Americans with Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Janet Klemm, Division of Water Facilities, Mail Station 3570, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Determination of Probable Cause
 RULE NO.: 64B5-13.001

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to the number of members required to constitute a quorum.

SUBJECT AREA TO BE ADDRESSED: Determination of probable cause.

SPECIFIC AUTHORITY: 456.073(4), 466.004(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.001 Determination of Probable Cause.

(1) No change.

(2) The probable cause panel shall be appointed by the Chairman and shall be composed of three members, two of which must be dentists who hold valid and active dental licenses in this State. At least two members of the probable cause panel must be present to constitute a quorum. If only two members are present, the determination of probable cause shall require the affirmative vote of both members present.

(a) through (e) No change.

(3) No change.

Specific Authority 456.073(4), 466.004(4) FS. Law Implemented 456.073(4) FS. History--New 11-11-79, Amended 12-7-81, 7-13-82, Formerly 21G-13.01, Amended 1-18-89, Formerly 21G-13.001, Amended 11-22-93, Formerly 61F5-13.001, 59Q-13.001, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to a

RULE NO.: 64B5-16.006

Dental Hygienist

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to remediable tasks delegable to a dental hygienist,

SUBJECT AREA TO BE ADDRESSED: Remediable tasks delegable to a dental hygienist.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:

(a) through (n) No change.

(o) Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride.

(2) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Proprietorship by Nondentists

RULE NO.: 64B5-17.013

PURPOSE AND EFFECT: The Board proposes to amend this rule to rename the rule title and set forth rule text which will describe proprietorship by nondentists.

SUBJECT AREA TO BE ADDRESSED: Proprietorship by nondentists.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.003, 466.0285, 466.028(1)(g),(z) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.013 Proprietorship by Nondentists ~~Dental Practice Management Services.~~

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, or facilitates any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties.

(3) For the purposes of this rule:

(a) The term “clinical” means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term “control” shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive “Practice Management Services.” The term “Practice Management Services” is defined to include consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) through (i) No change.

~~(2) The term “clinical” means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.~~

~~(5)(3) No change.~~

(6) For purposes of implementing the provisions of Section 466.028(1)(h), no dentist shall enter into any agreement, or series of agreements, with anyone other than a dentist or group of dentists, which constitutes a de facto employment of the dentist by a nondentist. The following shall be considered as evidence that the dentist has violated Section 466.028(1)(h):

(a) Any agreement or series of agreements that contractually bind a dentist to purchase practice management services from a nondentist for a period of more than 5 years.

(b) Any clause in an agreement or series of agreements which seeks to penalize a dentist seeking to terminate an agreement to purchase practice management services from a nondentist through a non compete clause. Except as permitted by Section 542.33, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule.

Specific Authority 466.004 FS. Law Implemented 466.003, 466.0285, 466.028(1)(g),(z) FS. History—New 10-16-96, Formerly 59Q-17.013, Amended _____.

**DEPARTMENT OF HEALTH
Board of Hearing Aid Specialists**

RULE TITLE:
Licensure by Examination

RULE NO.:
64B6-2.003

PURPOSE AND EFFECT: Due to monetary constraints, changing technology, and a change in the law effective July 1, 2001, the Department’s examination services has determined that parts of this rule are out-of-date and need to be updated or repealed.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination.

SPECIFIC AUTHORITY: 455.574(1)(b), 484.044 FS.

LAW IMPLEMENTED: 455.574(1)(b), 484.045, 484.0445(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way Bin #C08, Tallahassee, Florida 32399-3258

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Unfair Discrimination in Private Passenger Motor Vehicle Insurance Rates – Based on Arbitrary Territorial Boundaries	4-175.007
Unfair Discrimination in Private Passenger Motor Vehicle Insurance Rates – Surcharges Based on Type of Vehicle	4-175.009

PURPOSE, EFFECT AND SUMMARY: The referenced Rules 4-175.007 and 4-175.009, FAC. were identified as not having statutory authority, pursuant to the rules review project required by Section 120.536(2)(b), F.S. The rules prohibit discrimination in ratemaking based on arbitrary rate boundaries and type of vehicle. Therefore the rules are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.31(1)(a), 627.0651, 627.0651(6), (7), 627.072(3) FS.