

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Citrus Canker RULE CHAPTER NO.: 5B-58

RULE TITLE: Citrus Canker Eradication RULE NO.: 5B-58.001

PURPOSE AND EFFECT: The purpose and effect is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida's more than \$8 billion citrus industry and dooryard citrus.

SUBJECT AREA TO BE ADDRESSED: The proposed rules address the definitions of the phrases "exposed to infection" and "citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees." The proposed rules also establish the required content of immediate Final Orders and delivery of such Final Orders in pursuant of the citrus canker eradication program.

SPECIFIC AUTHORITY: 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2),(13),(21), 581.031(6),(7), (9),(15),(17), 581.013, 581.0101, 581.131, 581.141, 581.184, 581.211 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: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Sections 581.011 and 581.184, Florida Statutes, and the following definitions shall apply:

(a) through (g) No change.

(h) Exposed to Infection. As set forth in s. 581.184, F.S., exposed to infection shall mean citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees, and which do not yet exhibit visible symptoms of the disease but which will develop symptoms over time, at which point such trees will have infected other citrus trees. Determined by

the Department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that causes citrus canker, but not expressing visible symptoms.

(i) through (k) No change.

(1) "Citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees" shall mean citrus trees located within 1,900 feet of an infected citrus tree.

(2) through (3) No change.

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of the infected and exposed plants and plants exposed to infection, the variety and type of plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Control Procedures.

(a) Risk Assessment. The department shall perform risk assessment procedures to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees exposed to infection will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damager, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties.

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by certified mail or similar common carrier, or attached to a

conspicuous place on that ~~posted on the~~ property. Immediate final orders are not required for control action in commercial citrus groves provided the owner agrees voluntarily to the control action and enters into an agreement not to sue with the department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 08314, and Form No. 08315, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

- 1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
 - 2. The diagnostic report which resulted in the infected tree is infected with the citrus canker; and
 - 3. The distance between the infected citrus tree and the property owner's citrus trees.
- (6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History—New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01,_____.

PUBLIC SERVICE COMMISSION

DOCKET NO: 010774-TP

RULE TITLE:

Not Available

RULE NO.:

25

PURPOSE AND EFFECT: This Commission has granted the Office of Public Counsel's (OPC) petition to initiate rulemaking in this docket. According to OPC, the purpose of this rule is to require telephone companies to give customers actual notice before implementing any change in rates or other terms and conditions of service.

SUBJECT AREA TO BE ADDRESSED: Notice to telephone company customers of changes in rates and terms and conditions of service.

SPECIFIC AUTHORITY: 364.0252, 364.19 FS.

LAW IMPLEMENTED: 364.0252, 364.19 FS.

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

TIME AND DATE: 9:30 a.m., Thursday, September 13, 2001

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

A copy of questions to which staff would like written responses by August 30, 2001, may be obtained from Samantha M. Cibula, at the address listed below.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Samantha M. Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25 Rule Title Not Available.

All telecommunications companies furnishing service within this state shall provide notice of any change in rates or other terms and conditions of service directly to each customer that may be affected by the change. If the change may increase the cost of service for a customer, notice shall be provided at least 30 days in advance of any change in rates or terms and conditions of service. Notice of price increase shall be sent via first class mail. Service by mail of the notice of price increase shall be complete upon mailing. No change in tariffs, price lists, or terms and conditions that may increase the cost of service for a customer will be effective unless notice of the change is provided to customers as required by this rule. In the case of a rate decrease, telecommunications companies shall notify each affected customer no later than the first bill following implementation of the rate change. Any notice required by this sub-section shall be printed in a 12-point type or larger, and shall be clear, conspicuous, and legible. The notice shall include, at a minimum, the name and nature of any and all services to be changed, the past rates and the anticipated new rates. Notice of price increase shall include as a heading "NOTICE OF PRICE INCREASE" in uppercase, bold print. The envelope containing the notice of price increase shall contain a notice on the front thereof: "NOTICE OF PRICE INCREASE ENCLOSED" in uppercase, bold print. That telecommunications companies have tariffs or price lists for services on file with the commission is not a defense to any action brought for failure to disclose prices for which disclosure is required under this rule.

Specific Authority 364.0252, 364.19 FS. Law Implemented 364.0252, 364.19 FS. History—New_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Chaplaincy Services

RULE NO.:

33-503.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the line of authority reflected for chaplaincy services personnel in accordance with the department's reorganization.

SUBJECT AREA TO BE ADDRESSED: Chaplaincy services.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES:	RULE NOS.:
Attendance at Board Meetings	64B32-1.008
Other Business Involving the Board	64B32-1.009
Spouses of Members of Armed Forces Exemption	64B32-1.010

PURPOSE AND EFFECT: The Board proposes to define attendance at Board meetings, other business involving the Board for the purpose of Board member compensation, and the exemption for absent military spouses from licensure renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings; Other Business Involving the Board; Spouses of Members of Armed Forces Exemption.

SPECIFIC AUTHORITY: 456.011(3), 456.011(4), 456.024(2) FS.

LAW IMPLEMENTED: 456.011(3), 456.011(4), 456.024(2) FS.

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

TIME AND DATE: 2:00 p.m., July 20, 2001

PLACE: Embassy Suites, 555 N. Westshore Blvd., Tampa, FL 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-1.008 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member’s family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in section (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History–New _____.

64B32-1.009 Other Business Involving the Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, “other business involving the Board” does not include telephone Conference calls that last less than four hours, but otherwise is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department;
- (4) Probable cause panel meetings; Attendance at legislative workshops or committee meetings at the request of the Board or Department;
- (5) Attendance at meetings of National and State Associations as an authorized representative of the Board;
- (6) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (7) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History–New _____.

64B32-1.010 Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

Specific Authority 456.024(2) FS. Law implemented 456.024(2) FS. History–New _____.

DEPARTMENT OF HEALTH

Mental Health Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Emergency Medical Services	64E-2
RULE TITLES:	RULE NOS.:
Basic Life Support Services License – Ground	64E-2.002
Advanced Life Support Services License – Ground	64E-2.003
Medical Direction	64E-2.004
Trauma Reigstry	64E-2.018
Trauma Agency Implementation and Operation Requirements	64E-2.021

PURPOSE AND EFFECT: To comply with Chapter 120.536(3), F.S., requiring repeal of rule subsections and paragraphs lacking sufficient statutory authority.

SUBJECT AREAS TO BE ADDRESSED:

64E-2.002(4) Basic Life Support – transport of advanced life support patients in BLS vehicles. Subsection (4) is unnecessary because the law prohibits the specified activity without the rule.

64E-2.003(2) Advanced Life Support – Issuance of licenses. Subsection (2) is unnecessary.

64E-2.003(4) Advanced Life Support – transport of ALS patients in basic life support vehicles. Subsection (4) is unnecessary because the statute prohibits the specified activity.

64E-2.004(4)(a) Medical Direction – Supervision and acceptance of responsibility of EMTs and Paramedics. Paragraph (4)(a) is unnecessary because it repeats statute.

64E-2.004(4)(j) Medical Direction – Review and approval of 30-hour refresher course. Paragraph (4)(j) is unnecessary – statute amendment cured.

64E-2.018(4) Trauma Registry – Alternative submissions. Subsection (4) is unnecessary. Chapter 120, F.S., provides relief through the variance/waiver provision.

64E-2.021(4) Trauma Agencies – Withdrawal of approval. Subsection (4) has no statute that can provide authority to evaluate “meeting the needs”.

SPECIFIC AUTHORITY: 395.405, 401.121, 401.272, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.25, 401.252, 401.26, 401.265, 401.27, 401.30, 401.35 FS.

THE AGENCY HEAD DEEMS WORKSHOPS ARE UNNECESSARY BECAUSE OF THE STATUTORY REQUIREMENT TO REPEAL THESE SUBSECTIONS AND PARAGRAPHS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733 P.O. F00396

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Need **RULE NO.:** 65A-4.208

PURPOSE AND EFFECT: The proposed rule amendment would provide a uniform definition of the degree of relationship of a relative caretaker who provides full-time care of a relative child for the purpose of determining eligibility for the receipt of Temporary Assistance to Needy Families (TANF) funded assistance. The final TANF regulations in 45 CFR Part 260 et al, section 263.2(b), published April 12, 1999 in the Federal Register, allow for States to provide benefits or services to or on behalf of “eligible families as defined by the State.” Currently in Florida, relative caretakers may receive

TANF funded assistance through the temporary cash assistance (TCA) and the Relative Caregiver programs. Under the TCA program, the degree of relationship for a “relative caretaker” or “caretaker relative” is defined to include an adult who is related to the child by blood or marriage pursuant to s. 414.0252(11), F.S. Under the Relative Caregiver program, the degree of relationship for a relative caretaker must be within the fifth degree of relationship by blood or marriage to the parent or stepparent of the child pursuant to s. 39.5085, F.S. The proposed rule amendment would provide for the definition of the degree of relationship for a relative caretaker under the TCA Program to be the same as for the Relative Caregiver program pursuant to 45 CFR Part 260 et al, section 263.2(b). Relative caretakers are not permitted to simultaneously receive both a TCA benefit and a Relative Caregiver program benefit.

SUBJECT AREA TO BE ADDRESSED: This rule amendment would provide that for the purpose of determining eligibility for receipt of TCA that a “relative caretaker” or “caretaker relative” must be within the fifth degree of relationship by blood or marriage to the parent or stepparent of a child for whom the relative caretaker is providing full-time care.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095(2)(b), (5), 414.0252(11) 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., July 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Determination of Maintenance **RULE NO.:**

Subsidy Payments 65C-16.013

PURPOSE AND EFFECT: Amendments to sections (2) through (11) delete references to a means test which is prohibited under federal funding laws and adds the payment structure for basic subsidy and supplemental subsidy payments. Section (12) adds eligibility requirements for maintenance adoption subsidy paid under Temporary Assistance for Needy Families (TANF).

SUBJECT AREA TO BE ADDRESSED: Adoption.

SPECIFIC AUTHORITY: 409.166(7), 409.026(8) FS.
 LAW IMPLEMENTED: 414.166, 414.045(1)(b)5., 414.105(1),(2),(3) 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., July 20, 2001
 PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ralph Harmsen, Chief, Child Protection Policy, 1317 Winewood Blvd., Bldg.7, Rm. 221, Tallahassee, FL 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) No change.
 (2) The child's and the family's needs for subsidy must be determined prior to placement. There must be recent medical and mental health evaluations or other professional evaluation(s) of the child prior to placement in order to document any existing conditions which would require special services for the child eligible for subsidy. The medical evaluation must be no more than 12 months old at the time of the initial subsidy determination. Mental health evaluations should be no more than 12 months old at the time of subsidy determination. The family's need for assistance to enable them to provide such special services must be established and documented. Efforts and avenues to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following: 1) list of other families considered, 2) letters to agencies specifically seeking home for the child(ren), or 3) registration of the child on the adoption exchange. It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy. The one exception to the requirement that a placement without subsidy be explored prior to making a subsidized placement is when it has been determined that the child's adoption by his foster parents or relative with whom he has established significant emotional ties, is the placement of choice for the child. However, the foster parents or relatives must still be asked if they will adopt the child without subsidy or if they need to have the subsidy payment for the child.; This exploration must be documented in the child's record. The foster parent must understand that being an adoptive parent includes different parental rights and

responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, does not propose to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs. ~~All maintenance subsidy payments, including foster parent adoption, will be determined by utilization of the rate structure discussed in 65C-16.013(3) and (4), unless it is determined that the needs of the child will require an enhanced supplemental payment, see 65C-16.013(5).~~

(3) Under certain circumstances the child may be eligible for a supplemental amount. If the adopted child has diagnosed physical, emotional, developmental or learning needs which require special services or supports the adoptive parent may negotiate for additional assistance in providing those services or supports (see 5. below). The amount of the maintenance subsidy shall be determined through negotiations with the adoptive parents. Such negotiation will be based on the basic rate structure which considers the family's income, family size, and the age of child being adopted. The rate structure will be used in every case to determine the basic proposed subsidy amount. If the basic proposed subsidy amount is less than the child's foster care level of care (board rate), a supplemental amount may be negotiated (see subsection (5) below), only if the child has diagnosed physical, emotional or developmental or learning needs which require special services and/or supports that the adoptive family would not be able to access without financial assistance.

(4) Basic Maintenance Subsidy. The monthly basic maintenance payment shall be based on the age of the child being adopted. This rate shall not exceed eighty percent (80%) of the published standard board rate based on the age of the child. The following chart shows the basis payment by age of the special needs child being adopted: To utilize the maintenance subsidy rate structure, the counselor must calculate by the three factors and select the proper amounts to be paid in accordance with each factor as indicated below:

<u>Age of Child</u>	<u>Foster Care Board Rate</u>	<u>Monthly Basic Payment</u>
0-5	\$369	\$295
6-12	\$380	\$304
13+	\$455	\$364
<u>Medical Foster Child Ages 0 to 18</u>		
	\$444	\$355
<u>(a) Family Gross Income Level at the time of subsidy determination</u>		<u>Monthly Subsidy</u>
\$15,000—below		\$100.00 per child being adopted
\$15,001—30,000		\$ 75.00 per child being adopted
30,001—45,000		\$ 55.00 per child being adopted
45,001—60,000		\$ 35.00 per child being adopted
60,001 and above		\$0

(b) Family Size	
(Includes Adopted Child)	Monthly Subsidy
2	\$54.00
3	\$63.00
4	\$71.00
5	\$80.00
6	\$89.00
7	\$98.00
8+	\$106.00

(c) Age of Child	
0-5	Monthly Subsidy
6-12	\$0
13 and older	\$60
	\$100

~~(d) To determine the basic subsidy amount, the counselor must select the applicable monthly subsidy amount from (a), (b), and (c) above. The basic subsidy amount will be the sum of (a), (b), and (c).~~

(5) Supplemental Maintenance Payments. An additional supplemental amount may be added to the child's basic subsidy under certain special circumstances. If a child has a specific and diagnosed physical, mental, emotional or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting for children of the same age, a supplemental payment may be necessary. This payment will not cover services which may be obtained through family insurance, Medicaid, Children's Medical Services or medical subsidy, or through special education plans provided through the public school district.

~~(a) The factors used in determining the amount of the basic subsidy, e.g., child's age and family income, shall not be used in determining the supplemental payment.~~

~~(a)(b) Any child who receives a supplemental payment must meet the definition of and be assigned to one of the following levels.~~

Up To:	
Level I	\$150
Level II	\$275
Level III	\$400
Level IV	\$450 500

Level I. This child requires a structured environment with supervision by an adult caregiver. Mild to moderate assistance is required to supplement self-care capabilities. The child with these problems requires a regimented daily schedule and assistance with routine daily living tasks.

Level II. This child requires supervision by a caregiver who can provide direct and controlled management of behavior and environment. This child has the ability to feed, dress, and toilet self, but has limited ability to make appropriate decisions and will require ongoing moderate care and assistance. The child with these problems requires intensive structure, guidance and direction.

Level III. This child has only limited ability to care for self and requires custodial care provided by a skilled adult caregiver at all times. The severity of this child's chronic or acute condition is exhibited in aggressive acting out, unsocialized withdrawal, or need for close supervision and frequent intervention by the caregiver.

Level IV. This child requires total and entire care and has no self-help capacity or ability to perform basic life sustaining tasks. Custodial care must be provided by a trained and skilled caregiver.

~~(b)(e) To determine the supplemental amount a written diagnosis or prognosis by the appropriate professional, such as a licensed physician or dentist, or qualified mental health professional, is required. Under no circumstances shall with the basic subsidy amount as determined by the formula, plus the supplemental amount be higher than the published standard current foster care board rate paid for the child in foster care.~~

~~(c)(d) Medical subsidy shall be available may be used when the service being secured will be a one-time only purchase, or if it is anticipated to be needed for less than 12 months. Supplemental payments shall with be used when the service being secured is anticipated to be necessary for 12 months or longer.~~

~~(d)(e) The proposed amount of subsidy, including the supplemental amount must be submitted to the district Family Safety and Preservation program administrator or his designee for approval. Documentation which supports the request for a supplemental payment must be attached to the subsidy packet submitted to the program administrator for approval. The Family Safety and Preservation pProgram aAdministrator must forward the subsidy packet to the District Administrator for approval if the request includes a supplemental payment amount, above that generated by the formula. Requests to the District Administrator for approval must be accompanied by supporting documentation of real or projected expenses which necessitate such payments.~~

~~(6) Should the child have unearned income, such as Social Security benefits, or pensions available following the adoption, that income shall be considered a part of the family income and shall be added to all other available income in determining the income factor.~~

~~(6)(7) Each authorization for subsidy will be for a period of 12 months, effective on the date of placement, or in the case of a foster parent adoption, on the date the placement agreement is signed. The authorization may be a shorter period of time if the discussion between the adoptive parent and the counselor results in a plan for a shorter time frame.~~

~~(7)(8) The family must be advised that it is their responsibility to notify the Department immediately of any change in the amount of the third party benefits or any other change in circumstances, including changes in the child's need for services covered by the supplemental payment, which would alter their eligibility for subsidy.~~

~~(8)(9)~~ The basic subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.

~~(9)(10)~~ Subsidy redeterminations, ~~which~~ must be performed, at least annually, ~~require the family to provide the department with annual sworn statements regarding their financial situation.~~ At redetermination the counselor, or other designated staff, will review the family's current situation, ~~using the formula,~~ and will adjust the basic subsidy amount based on the child's age as indicated, ~~by that process.~~ The continued need for the supplemental payments will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The adoption assistance agreement must be renegotiated at each scheduled change to the subsidy payment or services. There must always be a current agreement in the case record or subsidy file.

~~(10)(11)~~ DCF-FSP Form 5079 (Adoption Assistance Agreement Between the Department of Children and Families and Adoptive Parents Regarding Subsidy Payments and Services) Jul 01 90 and ~~DCF-FSP Form 5158 (Maintenance Subsidy Recertification Income Update Form) Jul 90,~~ which ~~is~~ are incorporated by reference, ~~is~~ are available for use when a special needs child is placed in a subsidized adoptive placement.

~~(11)(12)~~ Cases negotiated prior to the effective date of this rule amendment shall be governed by the rules in place at the time of negotiation of the subsidy agreement. No child will have their adoption subsidy payment reduced based on application of this procedure.

~~(12)(13)~~ The continuation of adoption subsidy payments and services, including Medicaid, is contingent upon the adoption of state and federal funds for these purposes. Effective July 1, 2001, eligibility for maintenance adoption subsidy payment funded under Temporary Assistance for needy Families (TANF) shall be based on the child only. The eligibility requirements are as follows:

(a) The child must be ineligible for Title IV-E funded maintenance adoption subsidy.

(b) The income of the child only is compared to the federal poverty level for one. The child's income must be below the federal poverty level for a household size of one. The federal poverty level for one is \$1,432 per month.

(c) The child must be a United States citizen, or a qualified noncitizen, as defined in s. 414.095(3), F.S.

(d) The child shall be a resident of the State of Florida.

(e) The individual requesting TANF funded maintenance adoption subsidy shall provide to the department the child's social security number or shall provide proof of application for a social security number, as defined in Rule 65A-1.302, F.A.C.

(f) A minor child shall reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under Chapter 313, F.S., or in a setting approved by the department.

(g) The maintenance Adoption Subsidy TANF Worksheet/Application, Jul 01, which is incorporated by reference, is a one page form used to gather information and to initiate a determination of eligibility when a special needs child is placed in a Temporary Assistance for needy Families funded subsidized adoptive placement. The form shall be signed and dated by the individual requesting the child's eligibility for TANF funded maintenance adoption subsidy be determined.

Specific Authority 409.166(7), 409.026(8) FS. Law Implemented 409.166, 414.045(1)(b)5., 414.095(1)(2)(3) FS. History—New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
 RULE NO.: 68A-20.005
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIMES, DATES AND PLACES TO BE PUBLISHED IN FUTURE FLORIDA ADMINISTRATIVE WEEKLYS:

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Division of Law Enforcement**

RULE TITLE: RULE NO.:

Okaloosa County Boating Restricted Area 68D-24.146

PURPOSE AND EFFECT: After discussions with the Division of Law Enforcement, Office of Boating Safety and Waterway Management, Okaloosa County has requested the Office to establish a boating safety zone on the Florida Intracoastal Waterway at Brooks Bridge in Okaloosa County. The wakes from passing vessels have caused vessel damage and continue to present a danger to vessels being launched or recovered at public boat ramps in the area. One of the public ramps has fuel distribution and there is a danger of spillage. The local office of the Florida Fish and Wildlife Conservation Commission concurs with this action. This action is being coordinated with the United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: To enact a Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 feet west (30°24'01N"/86°36'20W") of the centerline of the Brooks Bridge to 900 feet east (30°24'14N"/86°35'23W") of the centerline of the Brooks Bridge in Okaloosa County. Okaloosa County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Ext. 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.146 Okaloosa County Boating Restricted Area.

For the purpose of regulating the speed and operation of vessel traffic on the Florida Intracoastal Waterway within Okaloosa County, Florida, the following boating restricted area is established:

(1) Slow Speed Minimum Wake Zone.

(a) Brooks Bridge – A Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 feet west (30°24'01N"/86°36'20W") of the centerline of the Brooks Bridge to 900 feet east (30°24'14N"/86°35'23W") of the centerline of the Brooks Bridge in Okaloosa County, as depicted in drawing A.

(b) Okaloosa County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

(2) The boating restricted area is depicted in drawing A:

INSERT MAP

1 OF 1

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—
New _____.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Vessel Registration and Boating Safety

RULE TITLE: St. Johns County Boating Restricted Areas

RULE NO.: 68D-24.155

PURPOSE AND EFFECT: St. Johns County has requested the Division of Law Enforcement, Office of Boating Safety and Waterway Management, to establish a boating safety zone at the Devil’s Elbow Boat Ramp on the Florida Intracoastal Waterway. The wakes from passing vessels have caused vessel damage and continue to present a danger to vessels being launched or recovered at this public boat ramp. In addition, the boat ramp is also used by emergency vessels. The local office of the Florida Fish and Wildlife Conservation Commission concurs with this action. This action is being coordinated with the United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: To enact a Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil’s Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil’s Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway. St. Johns County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Ext. 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Florida Intracoastal Waterway within St. Johns County, Florida, the following boating restricted areas are established:

(a)1. through 5. No change.

6. Devil’s Elbow Boat Ramp – A Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil’s Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil’s Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway as depicted in Drawing F.

(b) through (2) No change.

Drawings A through E – No change.

INSERT MAP

1 OF 1

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 12-11-97, Formerly 62N-24.155, Amended _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES: Complete Records Must be Maintained
Binder or Receipt Must Set Forth

RULE NOS.: 4-184.004

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.

SUMMARY: The rules apply to insurance in connection with installment sales and are being amended to delete language not authorized.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

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

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

TIME AND DATE: 9:00 a.m., Tuesday August 7, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Johnson, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Roddenberry, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001