

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Procedures for Filing Claim	3D-20.0021
Proof of Entitlement to Unclaimed Property	3D-20.0022
Definitions	3D-20.030
Remitting of Safe Deposit Box	3D-20.036
Contents and Reimbursement of Expenses	
Written Notice	3D-20.040

PURPOSE AND EFFECT: To address amendments to Chapter 717, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Unclaimed Property.
SPECIFIC AUTHORITY: 717.117(1), 717.117(2)(g), 717.119(5), 717.119(5)(b), 717.124(5)(b)2., 717.1311(1), 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.102(1), 717.117(1), 717.117(4), 717.119, 717.1201, 717.1201(7), 717.124, 717.125, 717.126, 717.127, 717.134 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., Wednesday, July 27, 2001
PLACE: Department of Banking and Finance, Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Donna Clay, Financial Specialist, Suite 330, Department of Banking and Finance, Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9950

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE:	RULE NO.:
Commercial Values for Penalty Assessments	5E-1.016

PURPOSE AND EFFECT: The purpose of the rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUBJECT AREA TO BE ADDRESSED: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.
LAW IMPLEMENTED: 576.051(2),(3),(7), 576.061, 576.071, 576.181 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., July 27, 2001
PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850)488-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.016 Commercial Values for Penalty Assessments.
 The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Chemical Market Reporter Publication (effective 6/8/98), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS

	Guaranteed	Commercial Values	
	as	(Per unit*)	
Total Nitrogen	N	<u>\$5.65</u>	\$4.00
Nitrate Nitrogen	N	<u>5.38</u>	4.54
Ammoniacal Nitrogen	N	<u>4.76</u>	4.15
Water Soluble or Urea Nitrogen	N	<u>4.75</u>	4.45
Slow Release Nitrogen (from other SRN sources)	N	<u>15.85</u>	19.25
Water Insoluble Nitrogen	N	<u>12.93</u>	14.65
Available Phosphorus	P ₂ O ₅	<u>3.62</u>	3.95
Slow Release Phosphate	P ₂ O ₅	<u>19.60</u>	24.00
Potassium (from Muriate)	K ₂ O	<u>2.30</u>	2.27
Slow Release Potassium	K ₂ O	<u>15.04</u>	15.25
Potassium (from any source other than Muriate or a combination of sources)	K ₂ O	<u>4.41</u>	4.40

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (per unit*)	
Total and water Soluble			
Magnesium (from any source)	Mg	\$6.55	\$6.80
Manganese (from sulfate)	Mn	16.19	16.70
<u>Manganese (from Sucrate)</u>	<u>Mn</u>	<u>11.33</u>	<u>11.00</u>
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	7.55	7.55
Manganese (from chelate in group 1**)	Mn	231.00	231.00
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	42.45	39.30
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	20.50	22.45
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	17.72	16.34
Zinc (from sucrate)	Zn	14.20	
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	10.05	10.45
Zinc (from chelate in group 1**)	Zn	184.00	184.00
Zinc (from chelate in group 2**)	Zn	65.00	65.00
Iron (from sulfate)	Fe	13.27	12.85
<u>Iron (from sucrate)</u>	<u>Fe</u>	<u>6.28</u>	<u>5.80</u>
<u>Iron (from humate)</u>	<u>Fe</u>	<u>16.09</u>	<u>18.40</u>
Iron (from oxide)	Fe	4.00	3.95
Iron (from chelate in group 1**)	Fe	267.29	290.35
Iron (from chelate in group 2**)	Fe	80.00	83.00
Aluminum	Al	14.00	13.70
Sulfur (free)	S	2.64	2.45
Sulfur (combined)	S	2.21	2.20
Boron	B	34.12	34.55
Molybdenum	Mo	185.50	189.00
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	.60	.59

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	MgCO ₃	.16	.15
Calcium	CaCO ₃	.09	.07

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO ₄	.30	.30
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*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS. History--New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: COURSE REQUIREMENTS – GRADES 6-12 BASIC AND ADULT SECONDARY PROGRAMS

RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this rule development is to review the course requirements to be used in grades 6-12 for the 2001-2002 school year. The effect will be to prepare for consideration of the State Board of Education a document that ensures instructional consistency in courses taught in grades 6-12.

SUBJECT AREA TO BE ADDRESSED: Course requirements for grades 6-12, basic and adult secondary programs.

SPECIFIC AUTHORITY: 229.565 FS.

LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE 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, 325 West Gaines Street, Room 1214, 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 NOT AVAILABLE.

DEPARTMENT OF CORRECTIONS

RULE TITLE: SEX OFFENDER CONDITIONS OF SUPERVISION

RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures whereby the conditions of supervision of sex offenders may be monitored. The effect of the proposed rule is to ensure supervision orders for sexual offenders meet statutory requirements and ensure sex offender driving restrictions are complied with, and establish procedures

relating to: prohibited victim contact, prohibition of living within one thousand feet of places where children regularly congregate, collection of blood samples for DNA analysis, polygraph testing, HIV testing, prohibition of pornographic materials, and restrictions relating to computer and internet access.

SUBJECT AREA TO BE ADDRESSED: Sex offender conditions of supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 948.03 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.108 Sex Offender Conditions of Supervision.

(1) The circuit administrator shall review supervision orders utilized in the circuit to determine whether they contain the required sex offender conditions mandated by statute. Where the circuit administrator determines that supervision orders are not in compliance, she or he shall contact the judge or clerk of the court to notify her or him of the area of noncompliance.

(2) Conditions of supervision can only be enforced when they are delineated on the specific order of supervision. The department does not have the authority to impose any condition that is not included in the supervision order regardless of statutory provisions.

(3) Prohibited victim contact – If the court or releasing authority imposes a condition prohibiting offender contact with the victim, the officer will ensure:

(a) The offender has been instructed regarding the special condition imposed of no contact with the victim or the victim's family; and,

(b) The victim is aware of the special condition prohibiting the offender from having contact with the victim or the victim's family. The officer shall forward a No Contact with Victim Letter, Form DC3-247, to the victim's last known address. A copy of Form DC3-247 will be maintained in the offender file as documentation that the victim was notified of this condition. Form DC3-247 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) Prohibition of Living Within 1000 Feet of Place Where Children Regularly Congregate – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) The officer has researched the offender's residence location for known places where children regularly congregate to ensure compliance; and,

(b) The officer documents research conducted and measurements obtained, if applicable, in the electronic case notes.

(5) DNA Analysis – If the court or releasing authority imposes this condition, or if the offender's offense meets statutory criteria pursuant to s. 948.03 (5)(a) and (b), F.S.:

(a) The circuit administrator shall ensure agreements are formulated and upheld with DNA collection sites within the circuit; and,

(b) The officer will ensure documentation is received from the collection site verifying the DNA blood specimens were drawn.

(6) Sex Offender Driving Log – If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) Instruct the offender to complete entries on the Driving Log, Form DC3-244, for each travel occurrence when the offender is driving, either alone, or when accompanied by someone. Form DC3-244 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) Officers shall utilize the following criteria in considering whether to allow a sex offender to drive alone:

1. Circumstances that indicate it is not reasonable to request the offender to be accompanied by another adult.

2. Offenders can be authorized to drive alone for routine and scheduled work, religious purposes, therapeutic or treatment appointments, educational or vocational school attendance, public service purposes, and scheduled meetings with the officer in the office.

3. Offenders can also be authorized, with prior approval from the officer, to drive alone for routine and necessary activities such as banking, shopping, and medical appointments.

(c) An offender shall not be allowed to travel alone for other purposes unless approved by a supervisor.

(d) The offender shall submit all completed Driving Logs, Form DC3-244, to the supervising officer at least once a month. The completed driving logs will be maintained in the offender file.

(7) Polygraph Testing – If the court or releasing authority imposes this condition of supervision, the officer shall:

(a) Ensure offenders sentenced to sex offender probation receive a mandatory polygraph on a yearly basis to be paid for by the offender;

(b) Ensure that a polygraph examiner specially trained to perform polygraphs on sex offenders conducts the polygraph examination whenever an examiner with such specialized training is available, otherwise another qualified examiner, without specialized training may perform the polygraph examination; and,

(c) Ensure results of the polygraph are not used as grounds to file a violation of community supervision.

(8) HIV Testing – If the court or releasing authority imposes this condition of supervision the circuit administrator shall ensure arrangements are made to set up a testing location in each circuit for sex offenders required to submit to HIV testing.

(9) Pornographic Material – If the court or releasing authority imposes a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to the offender’s deviant behavior pattern, the officer shall ensure compliance by conducting walk-through searches during the initial and subsequent visits to the offender’s residence, which can lead to warrantless planned searches if pornographic material is observed.

(10) Computer or Internet Restrictions – If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by:

(a) Conducting walk through searches during the initial and subsequent visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) If the officer verifies or suspects that the offender has access to the internet, and this is prohibited as a condition of supervision, the officer shall contact FDLE or local law enforcement computer experts to investigate further. The officer will not attempt to view icons for internet access or other graphic file formats created by the Joint Photographic Experts Group, unless the officer has successfully completed the Basic Computer Data Recovery Class and has been authorized, in writing, by the circuit administrator to conduct computer searches.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History–New _____.

DEPARTMENT OF ELDER AFFAIRS

RULE TITLE: Rule Title Not Available
 RULE NO.: 58
 PURPOSE AND EFFECT: Rules are proposed, in consultation with the Agency for Health Care Administration, to implement Section 26 of Chapter 2001-45 (SB 1202), Laws of Florida, which directs the Department of Elder Affairs in newly created

s. 400.1755(5), F.S., to adopt rules establishing standards for the Alzheimer’s disease or related disorders trainers and for the training required in that section for certain nursing home employees.

SUBJECT AREA TO BE ADDRESSED: Nursing Home training standards.

SPECIFIC AUTHORITY: 400.1755(5) FS.

LAW IMPLEMENTED: 400.1755 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Monday, July 30, 2001

PLACE: Sunrise Dan Pearl Library, 10500 West Oakland Park Bldg., Sunrise, FL 33351

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, July 31, 2001

PLACE: Orlando County Public Library, Community Relations Room, 101 East Central Blvd, Orlando, FL 32801-2471

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Wednesday, August 1, 2001

PLACE: Agency for Health Care Admn, Bldg 3, Conf. Room D and E, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, or Linda McDonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Assisted Living Facilities
 RULE NO.: 58A-5

PURPOSE AND EFFECT: This rules chapter is being amended to implement Section 33 of Chapter 2001-45, Laws of Florida, (SB 1202) which among other things requires the Department of Elder Affairs to define temporary license, reference adverse incident and liability claims forms, in consultation with the Agency for Health Care Administration.

SUBJECT AREA TO BE ADDRESSED: Temporary license, adverse incident and claims forms.

SPECIFIC AUTHORITY: 400.407, 400.423(10), 400.441 FS.

LAW IMPLEMENTED: 400.407, 400.423(10) FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Monday, July 30, 2001

PLACE: Sunrise Dan Pearl Library, 10500 West Oakland Park Bldg., Sunrise, FL 33351

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, July 31, 2001

PLACE: Orlando County Public Library, Community Relations Room, 101 East Central Blvd., Orlando, FL 32801-2471

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Wednesday, August 1, 2001

PLACE: Agency for Health Care Administration, Bldg 3, Conf. Room D and E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, or Linda McDonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE TITLE: Florida Health Care Indigency Eligibility Certification Standards

RULE NO.: 59H-1.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the existing rules to incorporate the changes passed by the 2001 Legislature in SB 2092. The effect will be to update the definition of Maximum County Financial Responsibility as defined in Section 154.306(3), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Health Care Responsibility Act (HCRA).

SPECIFIC AUTHORITY: 154.3105 FS.

LAW IMPLEMENTED: 154.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, (850)414-8983

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59H-1.0035 Definitions.

The following words and phrases shall have the following meanings for the purpose of this rule.

(1) through (22) No change.

(23) Maximum County Financial Responsibility: That amount obtained by multiplying total county population, as defined in Section 154.306(3), Florida Statutes, by \$4 per capita using the most recent official state population estimate for the total county population published by the Executive Office of the Governor and the Bureau of Economic and Business Research.

(24) through (38) No change.

Specific Authority 154.3105 FS. Law Implemented 154.304, 154.306, 154.308, 154.309 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0035, Amended 6-7-00.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Purses and Florida Owners’ Awards, Horse Racing

RULE NO.: 61D-8.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to address the issues related to the requirements for the payment of purses and breeders’ awards for horse racing.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is payment of purses and breeders’ awards for horse racing.

SPECIFIC AUTHORITY: 550.2614(1),(2), (3),(4), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.2614, 550.2625(2), 550.625, 550.655 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. – 4:00 p.m., July 31, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms
 RULE NO.: 61D-10.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms used by the Division of Pari-Mutuel Wagering.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule are the forms of the Division of Pari-Mutuel Wagering.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.01215(4), 550.0251(2),(3),(5),(6), 550.0351(8), 550.054(5),(8)(b), 550.105(1),(2)(c),(4)(b),(4)(d),(5),(9), 550.125(2)(b),(3)(a), 550.155(1), 550.1815(5), 550.2415(2),(3)(b),(5)(a),(b),(6)(b), (8)(a),(b),(c),(e),(9)(b),(c),(13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 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. – 4:00 p.m., July 31, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms
 RULE NO.: 61D-12.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule are the forms of the Division of Pari-Mutuel Wagering related to cardrooms.

SPECIFIC AUTHORITY: 849.086(4),(5),(6),(7),(9),(11),(13), (16),(17), 550.0251(12) FS.

LAW IMPLEMENTED 849.086 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. – 4:00 p.m., July 31, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-36R

RULE TITLE: Additional Requirements for Phosphate Mines
 RULE NO.: 62-343.076

PURPOSE AND EFFECT: The purpose of this rule development is to develop and adopt a rule based on best engineering judgment that establishes criteria for whether a proposed mining activity, including reclamation following mining, will have an adverse affect on the flow of water or cause flooding. Issues to be discussed include definitions, standards and criteria.

SUBJECT AREA TO BE ADDRESSED: Criteria for demonstration of non-adverse hydrologic affects from phosphate mining and reclamation.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.044, 373.046, 373.113, 373.118, 373.414, 373.415 FS.

LAW IMPLEMENTED: 373.026, 373.043, 373.046, 373.117, 373.118, 373.413, 373.414, 373.415, 373.416, 373.418, 373.422, 373.426, 373.430, 373.433, 373.436, 373.439 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: 9:00 a.m., Tuesday, August 21, 2001

PLACE: Southwest Florida Water Management District, 170 Century Blvd., Bartow, FL 33830

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 RULE UNDER DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Steve Partney, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, telephone (850)488-8217

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests. The effect will be to permit high school students to earn a passing score on this test and, thereby, complete one of the requirements for award of a regular high school diploma and to permit schools and school districts more time to prepare students who reach the academic expectations defined by the FCAT achievement levels. Student performance on the grade ten test is one factor used in calculating school accountability grades.

SUMMARY: This rule is to be amended to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 the notice.

SPECIFIC AUTHORITY: 229.57 FS.

LAW IMPLEMENTED: 229.053, 229.0535, 229.57 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Room 212, Knott Building, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) No change.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of three (3) sections: two (2) sections: one (1) measuring reading skills, and one (1) measuring mathematics skills, and one (1) measuring writing skills.

(b) No change.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. ~~Fourth grade students shall take the reading test; fifth grade students shall take the mathematics test; eighth and tenth grade students shall take the reading and mathematics tests.~~

(b) through (e) No change.

(4) No change.

(5) The total scores on FCAT shall be reported in terms of the following achievement levels for each specified time period:

(a) Beginning with the effective date of this rule through December 31, 2003 ~~2004~~, the achievement levels shall be:

1. through 6.e. No change.