

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

<p>RULE CHAPTER TITLE: Practice and Procedure</p> <p>RULE TITLES: Complaints Minor Violations Hearings Before the Commission Fine Imposed; Timely Filed Reports</p>	<p>RULE CHAPTER NO.: 2B-1</p> <p>RULE NOS.: 2B-1.0025 2B-1.003 2B-1.004 2B-1.0052</p>
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PURPOSE AND EFFECT: Rule 2B-1.0025, F.A.C., is amended to provide: (1) that for a complaint to be considered legally sufficient, it must contain credible evidence supporting specific facts that a person violated election laws over which the Commission has jurisdiction; and (2) that when determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint, and when determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer’s reports on file with the filing officer. Rule 2B-1.0025, F.A.C., also is amended to state that the complaint form, Complaint Form FEC 001, is available on the Commission’s website and the complaint form, Complaint Form FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 105.071, F.S., dealing with prohibitions on political activities by judicial candidates.

Rule 2B-1.003, F.A.C., is amended to provide that the following three offenses can be considered minor offenses: (1) an alleged violation of the political advertising requirements which occurred less than 14 days before an election and the complaint does not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election; (2) a candidate or person represents in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of the organization or person; or (3) a person accepts a contribution in excess of the limits prescribed by Section 106.08, F.S., and the excessive contribution was returned to the donor with 14 days of receipt. Rule 2B-1.003, F.A.C., also is amended to delete (2)(q) which implemented minor violations of Section 106.085, F.S., which was found unconstitutional in *Florida Right to Life, Inc. v. Crotty*, No. 98-770-CIV-ORL-19A (M.D. Fla. 1998).

Rule 2B-1.004, F.A.C., dealing with hearings before the Commission is amended to comply with the Uniform Rules and is amended to provide that when a Commissioner or Commissioners hear a case which is not heard by the full

Commission, those Commissioners who heard the case shall not participate in the deliberation or vote of the full Commission. Rule 2B-1.004 also is amended to provide that a clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

SUBJECT AREA TO BE ADDRESSED: The subject of the rules is procedures regarding complaints; minor violations of Chapter 106, Florida Statutes; hearings held before the Commission; and evidence that may be presented at a hearing on the late-filing of a campaign treasurer’s report.

SPECIFIC AUTHORITY: 106.26(1), 106.26(12), 106.24(5) FS.

LAW IMPLEMENTED: 106.25, 106.26(12), 106.24(5), 106.26, 106.26(1) FS.

IF REQUESTED WITHIN 14 DAYS 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., September 5, 2001

PLACE: Room 2002, The Capitol, Tallahassee, Florida 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phyllis Hampton, General Counsel, Florida Elections Commission, Room 2002, The Capitol, Tallahassee, Florida 32399-1050, telephone (850)922-4539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.0025 Complaints.

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Complaint Form FEC 001, effective ~~12-3-01~~ ~~4-12-99~~, which is hereby adopted and incorporated by reference, may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission’s website www.fec.state.fl.us.

(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.

(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient, unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), Florida Statutes. Upon the executive director’s determination that he or she has a conflict or that action on the complaint

would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106, Florida Statutes;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains specific facts supported by credible evidence upon which the complainant bases the allegation of a violation of law; and

(d) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.

(6) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer.

~~(7)(6)~~ When the executive director or the Commission determines that a complaint is legally insufficient, the complaint shall be dismissed.

~~(8)(7)~~ The complainant and the respondent shall be notified of the dismissal of the complaint. The notice shall include the reason the complaint is legally insufficient and notify the complainant of the right to seek the Commission's review of the dismissal.

~~(9)(8)~~ A complainant seeking the Commission's review of the dismissal of a complaint shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice of dismissal.

Specific Authority 106.26(1) FS. Law Implemented 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-12-98,_____.

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, Florida Statutes, a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;

(c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed;

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; and

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement. If the violation occurred less than 14 days before the election, the complaint must not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each a violation;

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement that says the candidate has read and understands the requirements of Chapter 106, Florida Statutes, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository. A fine of \$100 shall be imposed for each a violation;

(c) Section 106.025(1)(c), Florida Statutes, failure of a person who holds a campaign fund raiser to include the statement required by this section on tickets or advertising. A fine of \$250 shall be imposed for each violation;

(d) Section 106.071(1), Florida Statutes, failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation.

(e) Section 106.143(1), Florida Statutes, failure of a person to mark all political advertisements as a "pd. pol. adv." or a "paid political advertisement" or to identify the sponsor. A fine of \$200 shall be imposed for each violation;

(f) Section 106.143(2), Florida Statutes, failure of a person to mark the political advertisement of a candidate running for partisan office with the candidate's political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation;

(g) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the

written approval of that person or organization, so long as written approval was obtained. A fine of \$200 shall be imposed for each violation;

(h) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation;

(i) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate or the identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation;

(j) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation;

(k) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation;

(l) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation;

(m) Section 106.143(5), Florida Statutes, prohibiting a person who is not the incumbent from including the word "re-elect" in a political advertisement. A fine of \$200 shall be imposed for each violation;

(n) Section 106.143(5), Florida Statutes, failure of a person in a political advertisement of a candidate who is not the incumbent to use the word "for" between the candidate's name and the office for which the candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation;

(o) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for each a violation;

(p) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a statement of sponsorship. A fine of \$200 shall be imposed for each violation;

~~(q) Section 106.144, Florida Statutes, failure of a group, club, association or other organization that endorses or opposes a candidate or referendum by means of political advertisements~~

~~to file a statement of endorsement or opposition with the filing officer before distributing the advertisement. A fine of \$250 shall be imposed for each violation; and~~

~~(q)(*) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation; and~~

~~(r) Section 106.19(1)(a), Florida Statutes, prohibiting a person from accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.~~

~~(3)(2) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.~~

~~(4)(3) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.~~

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-12-99, Amended 2-14-00,_____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a formal hearing does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the formal hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order, Pre-hearing Order Form FEC 002, effective 1-12-99, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

(a) The name, address and telephone number of each person intended to be called as a witness by either party.

(b) A stipulation by the parties setting forth:

1. The facts that are not in dispute;

2. The facts that are in dispute;

3. A list of all exhibits that the parties agree should be admitted into evidence;

4. A list of exhibits to which either party objects, the nature of the objection and a response to the objection; and

5. An estimate of the time that each party believes shall be necessary to present the formal hearing to the Commission.

(c) Should the parties fail to reach a joint pre-hearing statement, each party shall be required to file a unilateral pre-hearing statement that also includes the reasons that a joint pre-hearing statement was not filed.

(3) When necessary to expedite the processing of agency matters on behalf of the public, the Chairman shall designate one or more Commissioners to hear any motion filed by a party that is not dispositive of the case pending before the Commission.

(4) Upon the request of any party, the commission clerk shall schedule a motion hearing on any pending motion, so long as the motion is not dispositive of the matter pending before the Commission, a designated Commissioner is available to hear the motion, and adequate notice and opportunity to appear in person or by telephone can be provided to the parties.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any formal hearing, informal hearing or dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hear a formal hearing, informal hearing or dispositive motion shall be made only by a majority of the Commissioners voting.

(b) The Commission clerk shall notify the parties of the designation of a Commissioner or Commissioners and shall notice the hearing.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a formal hearing, informal hearing or dispositive motion hearing.

(d) The designated Commissioner or Commissioners hearing the case shall file a report with the commission clerk within 30 days of receiving any post hearing submissions from the parties. The report shall contain a recommended order that includes findings of fact, conclusions of law, a recommended disposition or penalty, if applicable, and any exceptions and responses filed by the parties. The report shall be served upon the parties.

(e) The Commission shall review the report, deliberate and reach a decision in the case. The designated Commissioner or Commissioners hearing the case shall not participate in the deliberation or vote of the Commission.

(6) Upon the Commission's determination of the outcome of a case after formal hearing or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order. ~~The order shall be served upon the parties. The parties shall have 15 days from service of the proposed final order to file~~

~~any exceptions. After consideration of the proposed final order and any exceptions filed, the Commission shall enter a final order.~~

(7) A clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History—New 1-12-99, Amended.

2B-1.0052 Fine Imposed; Timely Filed Reports.

(1) Campaign treasurer's reports are required to be filed in the office of the filing officer by 5 p.m. on the due date. A report is deemed timely filed if it is postmarked before midnight on the due date.

(2) If a report is received after the due date and there is no postmark or the postmark is illegible, it shall not be deemed timely filed unless the appealing party submits a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report. The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

(3) A metered postage mark does not constitute a postmark or a proof of mailing.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 1-12-98, Amended.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Appraisals, and Appraisal Standards and Policies of State Financial Institutions

RULE NO.: 3C-100.600

PURPOSE AND EFFECT: This rule will be revised to make it more nearly consistent with the appraisal requirements imposed by Federal regulators of financial institutions. In so doing, the regulatory burden of Florida-chartered financial institutions will be reduced.

SUBJECT AREA TO BE ADDRESSED: Appraisals of real estate securing loans of Florida-chartered financial institutions.

SPECIFIC AUTHORITY: 655.12, 655.60 FS.

LAW IMPLEMENTED: 655.60 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., September 4, 2001

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alex Hager, Director, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.600 Appraisals, and Appraisal Standards and Policies of State Financial Institutions.

(1) The board of directors of each state financial institution shall adopt appraisal standards and policies. Such standards and policies shall be reviewed and approved annually by the board of directors and such approval shall be recorded in the minutes of the meetings of the board of directors.

(2) At a minimum, the appraisal standards and policies shall require that ~~an~~ ~~(a)~~ ~~An~~ appraisal prepared by a state-certified or state-licensed appraiser must be obtained prior to funding any loan or extension of credit that is based on the security of real estate, except:

(a) Loans with a total value of \$250,000 or less;

(b) Loans with a lien on real property when such property has been taken as collateral solely in an abundance of caution;

(c) When a lien on real estate has been taken for purposes other than the real estate's value;

(d) The transaction is a business loan that:

1. Has a transaction value of \$1 million or less; and

2. Is not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment;

(e) A lease of real estate, unless the lease is the economic equivalent of a purchase or sale of the leased real estate;

(f) The transaction involves an existing extension of credit at the lending institution, provided that:

1. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies; or

2. There is no advancement of new monies, other than funds necessary to cover reasonable closing costs;

(g) The transaction involves the purchase, sale, investment in, exchange of, or extension of credit secured by, a loan or interest in a loan, pooled loans, or interests in real property, including mortgage-backed securities, and each loan or interest in a loan, pooled loan, or real property interest met these appraisal requirements at the time of origination;

(h) The transaction is wholly or partially insured or guaranteed by a United States government agency or United States government-sponsored agency; or

(i) The transaction either:

1. Qualifies for sale to a United States government agency or United States government-sponsored agency; or

2. Involves a residential real estate transaction in which the appraisal conforms to the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation appraisal standards applicable to that category of real estate.

1. Loans with a total value of \$250,000 or less;

2. Loans with a lien on real property when such property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been made more favorable to the borrower than they would have been in the absence of a lien;

3. Maturing loans, provided that:

a. The borrower has performed satisfactorily according to the original terms of the loan;

b. No new monies have been advanced other than as previously agreed;

c. The credit standing of the borrower has not deteriorated; and

d. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies;

4. Loans or portions thereof purchased from a state or federal financial institution, pooled loans, or interests in real property, provided that the appraisal prepared for each pooled loan or real property interest meets the requirements of the appraisal policies and standards adopted by the board of directors.

(3) Any loan or extension of credit not requiring a state-certified or state-licensed appraisal under paragraphs (2)(a), (d), or (f) shall not be funded until an appropriate evaluation of the real property has been obtained; and

(4) Any appraisal report or other evaluation shall be certified to the financial institution and dated within one year prior to funding the loan or extension of credit.

~~(5) The board of directors shall establish an appraisal review function to ensure compliance with adopted standards and policies.~~

Specific Authority 655.012(3), 655.60(2) FS. Law Implemented 655.60 FS. History—New 11-2-92, Amended 9-27-94, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES:	RULE NOS.:
Deferred Presentment Providers	3C-560.607
Deferred Presentment Providers	3C-560.707
Verification Fee	3C-560.801
Minimum Disclosure	3C-560.802
Scope	3C-560.901
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Disclosure Requirements	3C-560.904
Transaction Fees	3C-560.905
Consumer Credit Counseling Services	3C-560.906

PURPOSE AND EFFECT: The purpose and effect of these proposed rules and rule amendments is to implement the provisions of Senate Bill 1526 enacted by the legislature during the 2001 legislative session regarding the deferred presentment industry. These rules will provide for record keeping and reporting requirements for deferred presentment providers. Deferred presentment providers will be required to post fee schedules at all locations. The rules will clarify the allowable fees and required disclosures expected of all deferred presentment providers. The proposed rules will provide requirements for transaction agreements. The proposed rules will establish procedures for using the deferred presentment database. Lastly, the rules will provide for qualifications and operating guidelines for consumer credit counseling services regarding customers of deferred presentment providers.

SUBJECT AREA TO BE ADDRESSED: The proposed rules and rule amendments address the specific requirements for deferred presentment providers and procedures for engaging in deferred presentment transactions with the public.

SPECIFIC AUTHORITY: 560.105(3), 560.118(2), 560.211, 560.310, 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, 560.408 FS.

LAW IMPLEMENTED: 560.118, 560.206, 560.208, 560.211, 560.307, 560.308, 560.310, 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, 560.408 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., September 5, 2001

PLACE: Room 301, The Capitol Building – Senate Side, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Department of Banking and Finance, 101 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Canker	5B-58
RULE TITLE:	RULE NO.:
Citrus Canker Eradication	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 require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of immediate Final Orders and delivery of such Final Orders in pursuit 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, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

~~(e) Risk Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.~~

(f) through (g) renumbered (e) through (f) No change.

~~(h) Exposed. 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) renumbered (g) through (i) No change.

(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, the variety and type of citrus 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) Removal Control Procedures.

(a) Removal of citrus trees. For the purposes of eradicating, controlling, and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within 1,900 feet of an infected citrus tree. 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 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 damage, 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 removal 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 removal control action in commercial citrus groves provided the owner agrees voluntarily to the removal 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. 01262, and Form No. 01263, 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 determination that 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, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Feed Rule 5E-3

RULE TITLES: RULE NOS.:

Inspection; Sampling; Analysis; Reporting
 Rejected Feed and Feedstuff; Reduced
 Sampling Requirements; Laboratory
 Certification Exemption Requirements
 and Feed 5E-3.003

Ingredient Statement 5E-3.004

Medicated Feed 5E-3.008

Minimum Standards for Feed Materials 5E-3.013

Customer-formula Feed 5E-3.014

Master Registration Fees 5E-3.015

Tolerances for Nutrients, Minerals, Medicaments,
 Aflatoxin, Pesticide Residues and Weight 5E-3.016

Penalties 5E-3.018

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring it into conformance with Chapter 580, Florida Statutes, as amended by the 2001 legislation.

SUBJECT AREA TO BE ADDRESSED: Revision of definitions, label requirements, laboratory certification requirements and updating reference materials. Also the addition of Pet Food to regulation.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.031, 580.051, 580.065, 580.091, 580.112 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., August 31, 2001

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture

and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-8731

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLES:	RULE NOS.:
Appointment and Jurisdiction	6D-1.002
Meetings	6D-1.003
Officers	6D-1.004
Committees	6D-1.008
Forms and Standard Instructions	6D-1.012
Naming Facilities	6D-1.013

PURPOSE AND EFFECT: These rules establish the organizational procedures of the Board of Trustees of the Florida School for the Deaf and the Blind. Amendments are being made to align with statutory amendments and update some of the organizational procedures.

SUBJECT AREA TO BE ADDRESSED: Organizational procedures adopted by the Board of Trustees concerning its jurisdiction, meetings, officers and committees.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(1), 242.331(2) FS.

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

TIME AND DATE: 9:00 a.m., September 22, 2001

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Small Cities Community Development Block Grant Program	9B-43

PURPOSE AND EFFECT: The Department of Community Affairs announces proposed rule development for amendments to Chapter, 9B-43, Florida Administrative Code, the rule governing the Small Cities Community Development Block Grant Program in the Department of Community Affairs. Under Section 290.048(3), F.S., the Department is given specific authority to "(3) Adopt and enforce rules not

inconsistent with ss. 290.0401-290.49 for the administration of the fund." The proposed rule development is intended to clarify definitions, improve administrative efficiency and streamline and simplify the application requirements.

SUBJECT AREAS TO BE ADDRESSED: Address issues raised since the last rule amendment process. Minor technical changes will also be developed to clarify administrative procedures already included in the rule.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.0401-.049 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, September 5, 2001

PLACE: Department of Community Affairs, Capital Circle Office Complex, Room 260N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Community Development Block Grant Section, (850)487-3644, at least five calendar days prior to the hearing in their area. If you are hearing or speech impaired, please contact the Community Development Block Grant Section using the Florida Dual Party Relay System, (850)922-5609 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan M. Cook, Ph.D., Community Program Administrator, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, (850)922-1879

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Institutional Mail	33-210.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure the confidentiality of substance abuse records received through the mail at correctional institutions.

SUBJECT AREA TO BE ADDRESSED: Institutional mail.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.104 Institutional Mail.

(1) through (2)(c) No change.

(d) Only the classification supervisor will open mail marked "Substance Abuse Records – Confidential" in the mail room. The classification supervisor will ensure that the confidentiality of any substance abuser records contained in inmate records that arrive through the mail is maintained in accordance with 42 C.F.R. Part II, Chapter 397, Florida Statutes, and Chapter 65D-16, F.A.C. The name of the inmate or inmates whose records are contained therein will not be identified on the envelope.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-98, Formerly 33-3.0054, Formerly 33-602.404, Amended.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act ("EFA"), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, "effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus . . ." The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: September 10, 2001, Rule Workshop: 10:00 a.m. – 11:00 a.m., Training Workshop: 11:00 a.m. – 4:00 p.m.

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pamela Sievers, P.E., Senior Supervising Engineer, Everglades Regulation Division, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or

(561)682-6901 (e-mail: psievers@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail: jjenniss@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

RULE CHAPTER TITLE: Home Care for the Elderly
 RULE CHAPTER NO.: 58-1

PURPOSE AND EFFECT: A rule development workshop will be held to discuss the Home Care for the Elderly Program, Rules Chapter 58H-1, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Home Care for the Elderly Program.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 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. – 4:00 p.m., Thursday, September 6, 2001

PLACE: Department of Elder Affairs, 225F Conference Room, 4040 Esplanade Way, Tallahassee, FL

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient
 RULE NO.: 59G-6.020

Hospital Services
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement plan payment methodology, effective July 1, 2001, to provide the following changes based on Legislative direction provided in Senate Bill 2000, General Appropriations Act 2001-2002, Specific Appropriation 254:

1. Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals.
2. Inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.
5. The Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
6. From the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
7. Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals.

Additional changes to the Plan unrelated to Senate Bill 2000 are as follows:

1. The audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program.
2. The definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F.
3. All Code of Federal Regulations (CFR) references have been updated to the year 2000.
4. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).

5. The definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

6. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002. (Senate Bill 792)

The effect of the proposed amendment will be Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SUBJECT AREA TO BE ADDRESSED: Special Medicaid payments for statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9117 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., September 4, 2001

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:	RULE NO.:
Payment Methodology for Outpatient Hospital Services	59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2001, to provide the following changes based on the Legislative direction provided in Senate Bill 2000, General Appropriations Act 2001-2002, Specific Appropriation 257:

1. Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The Agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. Outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002.

Additional changes to the Plan unrelated to Senate Bill 2000 are:

1. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).
2. The Code of Federal Regulation (CFR) references have been updated to reflect the year 2000.
3. Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital. The effect of the proposed amendment will be: outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002; the Health Care Financing Administration

(HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000; Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital.

SUBJECT AREA TO BE ADDRESSED: Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000; Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., September 4, 2001

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-38R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hazardous Waste	62-730
RULE TITLES:	RULE NOS.:
Declaration and Intent	62-730.001
Definitions	62-730.020
References, Variances and Case-by-Case Regulations	62-730.021
Identification of Hazardous Waste	62-730.030
General	62-730.150
Standards Applicable to Generators of Hazardous Waste	62-730.160

Emergency Identification Numbers	62-730.161
Standards Applicable to Transporters of Hazardous Waste	62-730.170
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	62-730.180
Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	62-730.181
Standards for Universal Waste Management	62-730.185
Introduction and Scope	62-730.200
Definitions	62-730.210
Application for Permits	62-730.220
Newly Regulated Facilities	62-730.231
Operation Permits	62-730.240
Construction Permits	62-730.250
Closure Permits	62-730.260
Clean Closure Plans	62-730.265
Remedial Action Plans	62-730.266
Exemptions	62-730.270
Permit Modification	62-730.290
Permit Renewal and Transfer	62-730.300
Fees	62-730.305
Availability of Information	62-730.310
Quality Assurance	62-730.350
Forms	62-730.900

PURPOSE AND EFFECT: The proposed rule amendments are intended to update Chapter 62-730, F.S., to implement federal regulations already adopted by reference; harmonize the state and federal provisions with respect to requests for a variance from hazardous waste regulations; implement statutory requirements for a clean closure plan; clarify criteria and procedures for remedial activities and equivalency determinations; incorporate RCRA flexibilities, including RCRA Remedial Action Plans (RAP) and relief concerning contaminated soil; modify the fee schedule to address specific authorizations issued by the department; designate a mechanism to authorize management of hazardous waste generated by conditionally exempt small quantity generators (CESQG); clarify time periods and documentation requirements; add and reorganize definitions; and remove or amend inconsistent, confusing, outdated, unnecessary or incorrect terminology.

SUBJECT AREAS TO BE ADDRESSED: Variances; definitions; postclosure permits; clean closure plans, RCRA RAP; alternative treatment standards and "contained out" determinations for contaminated soil; cleanup target levels (CTLs); equivalency determinations; financial assurance; documentation; CESQG waste; permit modifications to achieve secondary standards; fees, including yearly fees; public records requests; quality assurance; and forms.

SPECIFIC AUTHORITY: 120.53, 403.061, 403.704, 403.721, 403.722, 403.724, 403.7255, 403.8055, 403.814 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.542, 120.55, 403.061, 403.087, 403.0875, 403.088, 403.091, 403.151, 403.201, 403.704, 403.7045, 403.707, 403.72, 403.721, 403.722, 403.7222, 403.723, 403.724, 403.7255, 403.783, 403.8055 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 2:00 p.m., October 9, 2001

PLACE: Conference Room A&B, Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida

If you need an accommodation for a disability in order to participate in this workshop, please notify Bill Green, (904)807-3300, Extension 3203 or 1(800)955-8771 (TDD), at least seven days before the workshop.

TIME AND DATE: 2:00 p.m., October 10, 2001

PLACE: Main Conference Room, Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida

If you need an accommodation for a disability in order to participate in this workshop, please notify Karen Johnson, Extension 358 or Paul May, Extension 355 at (813)744-6100 or 1(800)955-8771 (TDD), at least seven days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Bheem Kothur, Professional Engineer II, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2600, (850)488-0300 or bheem.kothur@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER TITLE: Clinic Registration RULE CHAPTER NO. 64B-5

RULE TITLE: Registration Requirements, Fee RULE NO.: 64B-5.001

PURPOSE AND EFFECT: Pursuant to s. 456.0375, F.S., (2001), the Department of Health is proposed a new rule necessary to implement the clinic registration program established in Chapter 2001-277, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The registration procedure, form and fees associated with clinic registration.

SPECIFIC AUTHORITY: 456.0375 FS.

LAW IMPLEMENTED: 456.0375 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: Diane Orcutt, Bureau Chief, Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin C11, Tallahassee, FL 32399-3261

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Administrative Policies Pertaining to

Certification of Advanced Registered Nurse Practitioners 64B9-4

PURPOSE AND EFFECT: The Board proposes to review this chapter and update the rules text.

SUBJECT AREA TO BE ADDRESSED: Definitions; Requirements for Certification; Requirements for Documentation; Provisional Certification; National Advanced Practice Nursing Specialty Board Certification; Malpractice Requirements; Advance Practice Nursing Education Program Guidelines; Scope of Practice of the Advanced Registered Nurse Practitioner; Standards for Protocols; Dispensing Practitioners; Recertification; Inactive Status; Reactivation of ARNP Certificate.

SPECIFIC AUTHORITY: 458.348(2), 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 455.624(1)(f),(2), 455.694, 455.711(5),(9), 458.348(2), 464.003(6), 464.012, 464.014, 464.018(1)(b), 465.0276 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: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES:	RULE NOS.:
Continuing Education of Domestic Violence	64B9-5.010
Continuing Education on Prevention of Medical Errors	64B9-5.011
Continuing Education on End of Life	64B9-5.012

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B9-5.010, F.A.C., so that applicants for initial licensure, upon showing of good cause, can be given six months from the date of licensure to complete the Domestic Violence course. The rule also defines good cause. The Board also proposes to promulgate Rule 64B9-5.011, F.A.C., setting forth continuing education requirements for completing a course on prevention of medical errors in an effort to decrease medical errors in the profession and Rule 64B9-5.012, F.A.C., in regards to the continuing education requirement on end of life.

SUBJECT AREA TO BE ADDRESSED: Continuing education of domestic violence and Continuing education on prevention of medical errors.

SPECIFIC AUTHORITY: 455.587, 456.031, 464.006 FS.

LAW IMPLEMENTED: 455.587, 456.031 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 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Reactivation of Inactive License	64B9-6.003

PURPOSE AND EFFECT: The Board proposes to review this rule and possibly update the language of the rule.

SUBJECT AREA TO BE ADDRESSED: Reactivation of inactive license.

SPECIFIC AUTHORITY: 464.006, 464.014, 456.036 FS.

LAW IMPLEMENTED: 464.014, 456.036 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 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Procedures for Filing Claim	3D-20.0021
Proof of Ownership and Entitlement to Unclaimed Property	3D-20.0022
Claimant Affidavit	3D-20.0026
Definitions	3D-20.030
Remitting of Safe Deposit Box Contents and Reimbursement of Expenses	3D-20.036
Written Notice	3D-20.040

PURPOSE AND EFFECT: Implement legislative changes to Chapter 717, Florida Statutes.

SUMMARY: The proposed rule amendments clarify claim filing requirements for claims filed by owner’s representatives, claims filed by other than apparent owners, and claims filed by apparent owners. The proposed rule amendments also provide a procedure for notifying claimants when their claims are incomplete. Active Florida corporate claimants need no longer provide personal identification under certain circumstances, but for others, letterhead and business cards alone will not be sufficient to demonstrate the entity representative’s right to act on behalf of the business, or to demonstrate ownership or entitlement to the property. A procedure is provided to claim small estates with a value of \$5,000 or less without estate administration. A guardian must provide legal authority to file a claim on behalf of a ward. The property will be delivered to the guardian for the ward. All claim denials will contain notice of appeal rights. The proposed rule amendments specify by whom electronic claim forms can be used, and how holders will be reimbursed for their costs. The proposed rule amendments set forth required contents of agreements between owners and owner’s representatives, as well as the department’s implementation of fee cap provisions contained in new legislation. A procedure to access the department’s listing of cash and coin items considered to have numismatic value is provided. The proposed rule amendments set forth how unclaimed property will be valued, and how payment and delivery of fees and property will be accomplished. The rule defines the terms “Owner’s Representative”, “Claimant,” “Entity Representative,” and “Filed.” The owner’s