

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.015 Physician Assistant Examination for Graduates of Foreign Medical Schools.

Specific Authority 458.347(7)(b)3. FS. Law Implemented 458.347(7)(b)3. FS. History—New 7-5-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Renewal Fees RULE NO.: 64B8-3.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase renewal fees from \$350 to \$385.

SUMMARY: The proposed rule amendment increases renewal fees to \$385.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS.

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

TIME AND DATE: 10:00 a.m., October 3, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be ~~\$350.00~~ \$385.00. However the following exceptions shall apply:

1. through 4. No change.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-128.002	Definitions
4-128.011	Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties
4-128.014	Exception to Opt-Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing

- 4-128.015 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions
- 4-128.017 When Authorization Required for Disclosure of Nonpublic Personal Health Information
- 4-128.020 Relationship to Federal Rules
- 4-128.024 Effective Date

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 30, July 27, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

4-128.002

Sub-subparagraph (9)(b)2.b. is changed to read:

b. The licensee sells the consumer airline travel insurance or similar limited duration types of travel related insurance in an isolated transaction not involving a continuing policyholder relationship;

Paragraph (16)(a) is changed to read:

(16)(a)1. "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the Florida Insurance Code.

2. "Licensee" does not include persons or entities regulated pursuant to Chapter 634, Florida Statutes.

Subparagraph (16)(b)2. is changed to read:

(b)2. The licensee does not disclose any nonpublic personal information to any person, including the principal or its affiliates, unless in a manner permitted by this rule.

4-128.011

In Subparagraph (1)(c)1., the words, "most current" are changed to read, "last known."

4-128.014

In Subsection (2), reference to "subsection A" is changed to "subsection (1)".

4-128.015

Subsection (1) is changed to read:

(1) Exceptions for processing transactions at consumer's request. The requirements for initial notice in paragraph 4-128.005(1)(b), F.A.C., the opt out in Rules 4-128.008 and .011, F.A.C., and service providers and joint marketing in Rule 4-128.014, F.A.C., do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

(a) Servicing or processing an insurance product or service that a consumer requests or authorizes;

(b) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

(c) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

(d) Reinsurance or stop loss or excess loss insurance.

In order for an agent to shop coverage initially and at renewal, the attempted placement of coverage must be authorized by the consumer. In connection with the initial application for coverage, a consumer's request that the agent obtain insurance coverage satisfies this requirement; however, in order to provide customer information to appointing insurers in connection with policy renewals, an agent must have obtained specific authorization from the customer, which may be obtained upon initial application for coverage.

4-128.017

Subsection (1) is changed to read:

(1) Except as provided in subsections (2) and (3) of this rule, a licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

New paragraph (2)(ff) is added to read:

(ff) Disclosure of information obtained by a licensee to a hospital, physician, or other medical care provider in connection with the provision of health care services to a customer of the licensee.

Paragraph (ff) is renumbered as (gg).

4-128.020

Subsection (2) is changed to read:

(2) Effective April 14, 2003, with respect to health insurance coverage issued by a health insurer or contracts issued by a health maintenance organization, such licensees must be in actual compliance with the Health and Human Services rules in order to be considered in compliance with this Part. As of such date, any other licensee that would satisfy the requirements of the HHS rules if it were subject to such rules will be considered to be in compliance with this part.

4-128.024

Subsection (1) is changed to read:

(1)(a) Not later than 30 days following the effective date of Emergency Rules 4ER01-1 through 22, each licensee shall provide an initial notice, as required by Rule 4-128.005, F.A.C., to consumers who are the licensee's customers on July 1, 2001.

(b) Example. A licensee provides an initial notice to consumers who are its customers on July 1, 2001, if, by July 31, 2001, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.

The remainder of the rule reads as previously published.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-1.0211	Change of Manufacturer's Status
9B-1.0221	Manufacturer Obligations Upon Sale of Building

NOTICE OF CORRECTION

The above-referenced rule was noticed March 23, 2001, in Vol. 27, No. 12 of the Florida Administrative Weekly. Two rule numbers were incorrect and are being changed as follows:

The number for Rule 9B-1.021 has been changed to 9B-1.0211; The number for Rule 9B-1.022 has been changed to 9B-1.0221.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.	RULE CHAPTER TITLE:
9B-3	Florida Building Commission: Operational Procedures
RULE NO.:	RULE TITLE:
9B-3.047	State Building Code Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 31, August 3, 2001, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted ~~and Product Evaluation and Approval System.~~

(1) The Florida Building Code as revised by the Florida Building Commission on _____ ~~August 29, 2001~~, is hereby adopted and incorporated by reference as the building code for the State of Florida.

~~(2) The Florida Product Approval System as approved by the Florida Building Commission on August 29th, 2001, is hereby adopted and incorporated by reference. The Product Approval System shall establish procedures by which products, systems and methods of construction demonstrate compliance with the Florida Building Code. Copies of the Florida Product Approval System may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.~~

~~(2)(3)~~ No change.

Specific Authority 553.73(1),(7), ~~553.842~~ FS. Law Implemented 553.72, 553.73(3),(7),(9), ~~553.842~~ FS. History--New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, _____.

NOTE 1: The following sections of the Florida Building Code were changed as a result of public comments received at the rule making hearing on August 28, 2001:

Volume Building:

Chapter 1, Administration

The following sections are amended in the Code: 104.5.4 (Work starting before permit issuance) and 104.6.2 (Work commencing before permit issuance).

Chapter 4, Special Occupancy

The following sections are amended in the Code: 4.1 (General), 419 (Hospitals and Intermediate Residential Treatment Facilities), 420 (Nursing Homes), 421 (Ambulatory Surgical Centers), 422 (Birthing Centers), 423 (State Requirements for Educational Facilities), 424 (Swimming Pools and Bathing Places), 425 (Public Lodging Establishments), 426 (Public Food Service Establishments), 427 (Crisis Stabilization Units), 428 (Manufactured Buildings), 429 (Boot Camps for Children), 433 (Adult Day Care), 434 (Assisted Living Facilities), and 435 (Control of Radiation Hazards).

Chapter 10, Means of Egress

The following section and table are amended in the Code: 1003.2.7 (change in level) and Table 1004 (Travel Distance, Dead-end Length, Exit and Means of Egress Width).

Chapter 11, Florida Accessibility Code for Building Construction

The following figures are amended in the Code: Figure 28 (Clear Floor Space at Water closets – not in stall) and Figure 30(e) (Toilet Stall New Construction).

Chapter 12, Interior Environment

The following section is amended in the Code: 1203.2.6 (ceiling height)

Chapter 15, Roof Assemblies and Rooftop Structures

The following section is amended in the Code: 1521.9 (roofing system)

Chapter 16, Structural Loads

The following table is amended in the Code: Table 1604.6 (Minimum Roof Live Load)

Chapter 17, Structural Tests and Inspections

The following section is amended in the Code: 1707.4.2 (Exterior Windows and Glass Doors)

Chapter 24, Glass and Glazing

The following section is amended in the Code: 2411.3.2 (Tests)

Chapter 31, Special Construction is amended.

Chapter 34, Existing Buildings

The following section is amended in the Code: 3401.1 (Exception)

Chapter 35, Reference Standards is revised.

~~NOTE 2: The Florida Product Approval System adopted by reference in paragraph 2 above was noticed for rule development workshop under the title 9B-72, Product Approval, in the June 22, 2001, issue of Florida Administrative Weekly. The workshop was held as noticed. The Florida Building Commission voted to adopt the requirements of that system by reference herein rather than in a separate rule chapter.~~

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

TIME AND DATE: 8:35 a.m., October 2, 2001
 PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: 9B-3
 RULE CHAPTER TITLE: Florida Building Commission Operational Procedures
 RULE NO.: 9B-3.050
 RULE TITLE: Statewide Amendments to the Florida Building Code

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly:

9B-3.050 Statewide Amendments to the Florida Building Code.

(4) For the purpose of amending the Florida Building Code ~~as provided in subsections (1) and (2), the yearly amendment cycle shall run from July 1 to June 30. Except as provided in subsection (2),~~ each proposed amendment to the Florida Building Code shall be submitted ~~by July 1~~ on the form adopted by, and include the information required by, Rule

9B-3.047(6), F.A.C., through the Building Code Information System at www.floridabuilding.org. ~~Proposed amendments submitted after July 1 will not be considered in the current amendment cycle, but may be resubmitted for the following amendment cycle.~~

(9) Each amendment approved for adoption by the Florida Building Commission ~~on or before December 31~~ shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State on July 1 of the following year.

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

TIME AND DATE: 8:30 a.m., October 2, 2001
 PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NOS.: 9B-72
 RULE CHAPTER TITLE: Product Approval
 RULE NOS.: 9B-72.010, 9B-72.030, 9B-72.040, 9B-72.050, 9B-72.060, 9B-72.070, 9B-72.080, 9B-72.090
 RULE TITLES: Definitions, Local Product Approval Generally, Product Evaluation for Local Approval, Approval by Local Jurisdiction, Statewide Product Approval Generally, Product Evaluation for Statewide Approval, Validation of Evaluation for Statewide Approval, Statewide Approval by Building Commission

9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence
9B-72.120	List of Approved Entities
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approval and Approval of Entities
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

In response to these comments received by the Department Rule 12A-1.097, F.A.C., has been changed, so that, when adopted, it will read as follows:

12A-1.097 Public Use Forms.		
(1) No change.		
Form Number	Title	Effective Date
(2) through (17) No change.		
<u>(18)(a) DR-230</u>	<u>Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	_____
<u>(b) DR-230N</u>	<u>Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	_____
<u>(c) DR-231</u>	<u>Certificate of Exemption for Entertainment Industry Qualified Production Company (n. 01/01)</u>	_____
<u>(d) DR-232</u>	<u>Application for Renewal or Extension of Entertainment Industry Exemption Certificate (N. 03/01)</u>	_____
<u>(e) DR-232N</u>	<u>Application for Renewal or Extension of Exemption Certificate Instructions (Form DR-232) (N. 03/01)</u>	_____
<u>(19)(18) No change.</u>		

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on October 2, 2001 at 8:45 a.m. at the Rosen Centre Hotel, 9840 International Drive, Orlando, Florida. This hearing is being held to consider public comments and the Product Approval Ad Hoc Committee's recommendations regarding those public comments. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001 issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.097	Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-1.097, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly on July 6, 2001 (Vol. 27, No. 27, pp. 3107-3109). These changes are in response to written comments received from the Joint Administrative Procedures Committee.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(f),(g),(h),(n),(o),(15), 212.096, 212.17(6), 212.18(2),(3), 288.1258 FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO. 98-08R

RULE CHAPTER NO.: 18-21
 RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE NOS.: 18-21.003, 18-21.004, 18-21.900
 RULE TITLES: Definitions, Management Policies, Standards, and Criteria, Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly:

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (48) No change.

(b) Needs assessment profile in which the inmate's needs for academic education, vocational education, work experience, and substance abuse treatment are assessed and prioritized ~~Other classification or program criteria as determined by the department~~ to ensure security and optimal program placement.

(3) through (9) No change.

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.301
 RULE TITLE: Law Libraries

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 26, June 29, 2001 issue of the Florida Administrative Weekly:

33-501.301 Law Libraries.

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

(c) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and/or access to legal research materials by submitting a written request to the library services administrator in the central office, or the law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and/or access to legal research materials by writing the library services administrator in the central office. Correspondence should be directed to the Florida Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(d) Law libraries shall provide interpreters for any language, other than English, native to five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within one week of submitting an oral ~~or written~~ request or Form DC6-236, Inmate Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to research aides. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt

of an oral ~~or written~~ request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with a research aide.

(f) through (3)(d) No change.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them, and to visit with research aides unless medical reasons prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral ~~or written~~ request or Form DC6-236, Inmate Request for legal assistance, or a referral from medical or dormitory staff, the law library supervisor shall assign a research aide to provide legal assistance to the inmate.

(f) through (4)(i) No change.

(5) Interlibrary Loan Services for Law Libraries.

(a) Major collection law libraries shall provide research assistance to minor and starter collections libraries and to inmates housed at correctional facilities without law libraries. On receipt of Form DC5-609, Law Library Interlibrary Loan Request ~~a written request for legal assistance~~, the law library supervisor shall immediately assign a research aide to provide assistance. Form DC5-609 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, ~~not including the day of receipt~~, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) ~~Minor and starter collection law libraries and inmates at correctional facilities without law libraries shall be provided research assistance by major collection law libraries. Inmates located at these facilities with minor collection law libraries, who need access to legal research materials only available in major collection law libraries, or who need research assistance, shall submit Form DC5-609, Law Library Interlibrary Loan Request, a written request for the material or assistance to the law library supervisor or to the chief correctional officer. Within two working days of receipt of Form DC5-609 a written request, not including the day of receipt, the law library supervisor or chief correctional officer shall forward the request to the law library supervisor at a major collection law library for completion.~~

(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5-609, Law

Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.

1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The law library supervisor shall provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, and the requested material to the inmate.

2. If the law library does not have the information that the inmate has requested, then within two working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(d)(e) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to Florida criminal law, Florida post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit Form DC5-609, Law Library Interlibrary Loan Request, a written request to the institution's law library supervisor. Form DC5-609, Law Library Interlibrary Loan Request. The written request is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on Form DC5-609, Law Library Interlibrary Loan Request the written request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. When requests are received, they shall be reviewed by the department's library services administrator shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, and the requested material to the inmate.

~~(d) Inmates with deadlines imposed by law, rule or order of court in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines.~~

(5)(e) through (6)(c) No change.

(d) Research Aide Training Program. The office of library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for a research aide to provide meaningful assistance to inmates.

1. through 3. No change.

4. Inmates who have been awarded an associate degree in paralegal research or a juris doctorate degree, shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and ~~successful completion of a written examination that verifies a determination~~ that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she has the requisite knowledge and skills to work as a research aide, he or she shall be certified.

(6)(e) through (7) No change.

(8) Grievance and Court Forms.

(a) Major and minor collection law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. ~~Forms DC6-236 and DC1-303 is are~~ incorporated by reference in Rule 33-103.019, F.A.C.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of the forms same are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Section 33-501.302.

(9) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 32, August 10, 2001 issue of the Florida Administrative Weekly. Based upon comments received from affected parties, the Agency is adding the following changes to the proposed Rule 59G-6.010, payment methodology for Nursing Home Services. The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective October 1, 2001.

1. For nursing homes participating in a risk-retention group approved by the Department of Insurance, the Agency will advance the capital contribution portion of the total premium assessed against the nursing facility. The total amount to be advanced will be the assessed capital contribution per bed multiplied by the total number of licensed nursing home beds multiplied by the facility's Medicaid utilization rate as computed from the most recent Medicaid cost report on file with the Agency. The amount advanced for the capital contribution shall be repaid to the Agency on a monthly basis over a period of time not to exceed 12 months. Upon a change of ownership (CHOW) or licensed operator, all amounts outstanding shall be immediately payable to the Agency. The capital contribution will be treated as an allowable administrative cost in the nursing facility's Medicaid cost report.

2. In Section IV. J. (3)(d) the phrase "apply only to costs incurred during fiscal year 2000-2001 and shall" will be deleted to comply with Senate Bill 792 of the 2001-2002 Legislative Session.

3. The phrase "For change of ownerships and licensed operator on or after September 1, 2001 the provider will be required to file an initial cost report" will be added to Section I.B.

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

TIME AND DATE: 10:00 a.m., October 1, 2001
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: 61J1-4.002
 61J1-4.006
 61J1-4.008
 RULE TITLES: Equivalency Education
 Correspondence Courses for Hardship Cases
 Continuing Education for School Instructors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 45, November 9, 2000 issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee.

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the board ~~shall~~ ~~may~~ request supportive documentation to determine course equivalency.

61J1-4.006 Correspondence Courses for Hardship Cases.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History--New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98, Repealed.

61J1-4.008 Continuing Education for School Instructors.

(4) The institution, school or approved entity offering the board approved 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and board rules, and other state and federal laws affecting real estate appraisals shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. The enforcement thereof shall be the responsibility of the board and the BPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005.

(a) The board shall approve any course, seminar or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed ~~completed~~ even if the completion date is after the expiration date.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-41.002	Definitions
62B-41.004	Exemptions from Permit Requirements
62B-41.005	Policy and Eligibility Criteria for Coastal Construction Permits
62B-41.0055	Protection of Marine Turtles
62B-41.007	Design, Siting and Other Requirements
62B-41.008	Permit Application Requirements and Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 20, May 18, 2001 of the Florida Administrative Weekly:

62B-41.002 Definitions.

(9) "Coastal Construction" includes any work or activity on or encroaching upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, which is likely to have a material physical effect on existing the coastal conditions or natural shore and inlet processes ~~system~~.

(13) No change.

(b) No change.

4. Expendable major structures whose failure would cause an adjacent upland non-conforming habitable structure or major non-habitable structure, which is not expendable, to become vulnerable to damage from frequent coastal storms.

(14) "Environmentally Sensitive Area" is a part of the coastal system which the Department of Environmental Protection, ~~or~~ in consultation with the Florida Fish and

Wildlife Conservation Commission, according to section 370.12, F.S., has determined to be of such significance that application of a proposed new technology poses an unacceptable risk to the ecology.

(20) No change.

(b) "Cumulative Impacts" are impacts resulting from the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision, therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell ~~past, present, and future coastal construction which, if permitted would result in a violation of standards as set forth in section 62B-41.007, or unacceptable significant adverse impacts to the coastal system.~~

62B-41.004 Exemptions from Permit Requirements.

(1) The deepwater ports identified in subsection ~~paragraph~~ 403.021(9)(b), F.S., are exempt from the requirements contained in subsections 161.142(1) and (2), F.S.

62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits.

(9) An existing rigid structure whose alignment has been determined by the Department to interfere with onshore/offshore or longshore movement of sand, resulting in a significant adverse impact to the coastal system or adjacent properties as described in Section 161.041, F.S., is subject to redesign or relocation landward if in need of reconstruction, or shall may ~~or~~ be ordered removed if it is determined to be dangerous ~~or to in any way endanger~~ human life, health or welfare, ~~or to be undesirable, serve no public purpose, or become unnecessary,~~ in accordance with Section 161.061, F.S.

(16) Monitoring programs shall be required for any coastal construction permitted under this chapter that which is determined to have an adverse impact. Such programs shall include preconstruction, construction phase and post construction topographic, hydrographic, biological and other data collection as deemed necessary and appropriate by the Department to monitor the performance of the coastal construction and determine its impacts to the coastal system and marine turtles. Such data shall be analyzed by a qualified professional engineer or coastal geologist registered in the State of Florida and a report provided to the Department on the performance of the project and its impacts on the coastal system. The Department shall require that Biological data shall be analyzed by a qualified biologist. Monitoring programs shall include sufficient pre-project data to establish an adequate baseline for project construction and post construction comparison.

(17) If the Department determines that the proposed coastal construction has the potential for adverse impacts to the coastal system, then the Department shall require the applicant to revise the project design to avoid or minimize those impacts. After all practicable revisions have been made to minimize impacts; any remaining adverse impacts or other impacts shall be offset by the applicant. ~~The Department may also require notice of any such permit conditions or contractual agreements to be filed in the public records of the county in which the permitted activity is located.~~

62B-41.0055 Protection of Marine Turtles.

(2) Coastal construction that results in a take, pursuant to Section 370.12, F.S., or does not which is in comply ~~compliance with the other provisions of this rule shall not may be permitted if it is determined that the proposed coastal construction would be consistent with the federal Endangered Species Act, its implementing regulations, and the cooperative agreement pursuant to section 6(e) of the federal Endangered Species Act; , would be consistent with the provisions of subparagraph 370.12(1)(c)1, F.S. ; , and would not result in a take pursuant to paragraph 370.12(1)(f), F.S.~~ The Department will evaluate the following when making a determination:

62B-41.007 Design, Siting and Other Requirements.

(2) Coastal construction shall be designed in accordance with established engineering and scientific ~~Department recognized design guidelines~~, and the following special guidelines:

(j) To protect the environmental functions of Florida's beaches only beach compatible fill shall be placed on the beach or in any associated dune system, all fill material placed shall be similar to that which naturally exists on the site in quartz to carbonate ratio, color, median grain size and sorting. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Standard terminology and sieve sizes from the Unified Soil Classification System and U.S. standard sieves shall be used. Such fill material shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm (4.0Φ) and 4.76mm (-2.25Φ) (classified as sand by either the Unified Soils or the Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the disposal site and shall not contain:

1. ~~Not contain~~ greater than 5 ± 10 percent, by weight, silt, clay or colloids passing the #230 #200 sieve (4.0Φ); Not contain ~~greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25Φ), exclusive of shell material and coral fragments;~~

3. ~~Not contain~~ coarse gravel, cobbles or material retained on the 3/4 inch sieve ~~(-4.25Φ)~~ in a percentage or size greater than found on the native beach;

4. Construction debris, toxic material or other foreign matter not result in cementation of the beach; and

5. Not result in cementation of the beach. ~~contain construction debris, clay, toxic material or other foreign matter;~~

If rocks or other non-specified materials appear on the surface of the filled beach in excess of 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas shall also be tested for subsurface rock percentage and remediated as required. These standards shall not be exceeded in any 1000 square foot section, extending through the depth of the filled beach. If the natural beach exceeds any of the limiting parameters listed above, then the fill material shall not exceed the naturally occurring level for that parameter.

(k) Pursuant to subsection 62B-41.005(15), sandy sediment derived from the maintenance of coastal navigation channels shall be deemed suitable for beach placement with up to 10% fine material passing the # 230 sieve, provided that it meets the criteria contained in (j)2. through 5. above and water quality standards. If this material contains between 10% and 20% fine material passing the #230 sieve by weight, and it meets all other sediment and water quality standards, it shall be considered suitable for placement in the nearshore portion of the beach.

(k) through (m) renumbered (l) through (n) No change.

Specific Authority 161.041, 370.021(1) FS. Law Implemented 161.041, 370.021(1), 370.12(1), 327.40 FS. History--New 8-23-92, Formerly 16B-41.007, Amended _____.

62B-41.008 Permit Application Requirements and Procedures.

(1) No change.

(k) No change.

4. No change.

a. An ~~Sediment~~ analysis of the native sediment and the sediment at the proposed borrow site(s). The analysis shall demonstrate the nature of the material, quantities available, and its compatibility with the naturally occurring beach sediment pursuant to paragraph 62B-41.007(2)(j), F.A.C. The sediment analysis and volume calculations shall be performed using established industry standards and be certified by a Professional Engineer or a Professional Geologist registered in the State of Florida. Certification shall verify that a quantity of material sufficient to construct the project is available at the borrow site(s) which meets the standard in paragraph 62B-41.007(2)(j), F.A.C., and

b. No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

DOCKET NO.: 01-09R

RULE CHAPTER NO.: 62S-3
 RULE CHAPTER TITLE: Greenways and Trails Activities and Recreation

RULE NOS.: 62S-3.001
 62S-3.002
 RULE TITLES: Definitions
 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway

62S-3.003 Determination and Applicability of Fines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol 27, No. 30, July 27, 2001 issue of the Florida Administrative Weekly:

62S-3.001 Definitions.

The terms used in this chapter are defined as follows:

(1) through (18) No change.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS. History–New _____.

62S-3.002 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway.

The provision of this rule may be enforced by any local, state or federal law enforcement officer acting within their jurisdiction. Fines will be imposed under Section 62S-3.003 on persons who fail to comply with these rules. The following shall govern operations, activities and such recreation on the Greenway:

(1) through (6) No change.

(7) Collection of Specimens. Authorization must be obtained for the collection of natural objects, including plant and animal life and minerals. Authorization shall ~~may~~ be granted if such collection is for scientific or educational purposes, and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); that it is not harmful to Greenway resources; and that it is consistent with Greenway management practices. Collection shall be conducted in compliance with the written authorization. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) through (21) No change.

(22) Commercial Photography. All commercial photography, motion pictures, and other media production activities are prohibited without authorization from the Office. All private photography involving special settings or structures

(such as use of exotic animals) which could adversely impact Greenway resources or public recreational activities is prohibited without authorization by the Office. Authorization for these activities shall ~~may~~ be issued if the activity is consistent with this rule and the activity would not disrupt normal Greenway operations, adversely impact Greenway resources, or disrupt the public’s normal enjoyment of the Greenway. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All other private photography is encouraged so long as it is consistent with this rule.

(23) No change.

Specific Authority 260.016 ~~253.016~~ FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS.

62S-3.003 Determination and Applicability of Fines.

The following shall govern how fines are determined and applied on the Greenway when persons violate any of the rules in this chapter.

(1) through (2) No change.

(3) Waiver of fines. Payment of all or part of a fine shall ~~may~~ be waived when purposes of this rule are not frustrated; when no economic or resource loss has occurred; when it would not deter future violations; when the violator has already corrected the violation; and when fairness would result.

(4) through (5) No change.

(6) Payment of Fines. Fines shall be paid within 30 days after formal, written notice of such fine is received by the alleged violator. If the violator does not request a hearing pursuant to s. 120.569, Florida Statutes, within 21 days of the date the alleged violator has received the Office’s written notice of the fine, the violator shall be considered to have waived all rights to a chapter 120 proceeding thereon, and the fine shall be due and payable by the end of the 30-day period described above. Petitions for hearing shall be filed with the Agency Clerk, Department of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)488-9314. Petitions must be complete and in the form prescribed by section 28-101.006, F.A.C. of the Uniform Rules.

Unpaid fines shall result in further enforcement action in accordance with s. 260.016(1)(c) ~~260.017~~, Florida Statutes, and unless the violator has petitioned for hearing, the violator shall not be allowed to use the Greenway until all fines are paid.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS. History–New _____.