

Modification of Terms of Invitation to Bid,
 Request for Proposals or Request
 for Qualifications 67-49.004
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 Evaluation of Bids or Proposals 67-49.006
 Selection Process 67-49.007
 Minority Business Enterprise 67-49.008
 Notice of Award 67-49.009
 Selection Protest Procedures 67-49.010

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall procure commodities or contractual services.

SUBJECT AREA TO BE ADDRESSED: If requested in writing a Rule Development workshop will be held to receive comments and suggestions from interested persons relative to proposed amendments to this Rule.

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.507(13),(27) 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., November 13, 2001

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Rick Seltzer Conference Room, 6th Floor, Tallahassee, FL 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin L. Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8771 (TDD).

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services **RULE NO.:** 2-37.010

PURPOSE AND EFFECT: The Department intends to incorporate revised forms entitled "Request for Attorney General Approval of Private Attorney Services" and "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

SUMMARY: The proposed rule amendments incorporate the revised forms entitled "Request for Attorney General Approval of Private Attorney Services" and "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

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: 287.059 FS.

LAW IMPLEMENTED: 16.015, 287.059 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., November 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001 (rev. 9/2001), entitled "Request for Attorney General Approval of Private Attorney Services," effective ~~5-18-00~~, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 9/2001), effective ~~(rev. 2/2001)~~, which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 16.015, 287.059 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, 6-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2001

<u>Reverchon</u>	<u>Explorer, Log Flume, White Water, Niagra Flume, Roc-N-Rapids, White Water Flume, Wild River</u>
<u>Rides R Us</u>	<u>Human Slingshot</u>
<u>S & S Power</u>	<u>Double Shot Towers, Snow Shot, Space Shot</u>
<u>Schiff</u>	<u>Roller Coaster</u>
<u>Schwarzkopf</u>	<u>Dopple Loop, Log Flume, Wildcat Coaster</u>
<u>S.P.C.</u>	<u>Moonraker, Mark I, Gondola Wheel, Pirate Ship, Hang 10</u>
<u>Sky Fun I</u>	<u>Sky Coaster</u>
<u>Sky Venture</u>	<u>Sky Venture</u>
<u>Soriani Moser</u>	<u>Crazy Flip, Dream Machine, Drop of Fear, Extacy, Flip N Out, G Force, Star Force, Wild River Raft, Wind Shear</u>
<u>Coaster Works</u>	<u>Dania Beach Hurricane</u>
<u>The Joseph Co.</u>	<u>Vertical Accelerator</u>
<u>Top Fun</u>	<u>Rerminator</u>
<u>Tivoli</u>	<u>Force 10, Spinout, Orbitor,</u>
<u>Predator.</u>	<u>Scorpion, Typhoon</u>
<u>Tower Specialties</u>	<u>Ricky's Rocket, Vertical Accelerator</u>
<u>Universal</u>	<u>Sky Ride</u>
<u>Zierer</u>	<u>Flitzer, Racing Flitzer, Wave Swinger</u>
<u>Zamperla</u>	<u>Energy Storm, Mixer, Power Surge,</u>
	<u>Turbo Force, Windstorm</u>
	<u>Roller Coaster,</u>
	<u>Wave Swinger</u>

(h)(g) Fee to replace a lost U.S. Amusement Identification (USAID) plate:	\$100.00
(i)(h) Fee per amusement ride for late inspection request:	\$100.00
(j)(i) Fee per amusement ride for failure to cancel inspection request:	\$100.00
(k)(j) Fee per amusement ride for inspection on weekend or state holiday:	\$25.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00, 12-4-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone (850)488-0645, Fax (850)922-8971

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001, Vol. 27, No. 36

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purposes of this rule amendment are to define and establish a fee for the new general knowledge test which will replace the use of the College Level Academic Skills Test (CLAST) for purposes of teacher certification; to adopt an updated examination application form and revise test registration fees to become effective July 2002; to adopt and publish a revised set of competencies and skills required for professional teacher certification; and to make technical corrections. These changes are prompted by a comprehensive restructuring of the state's certification system.

SUMMARY: An updated examination application form will be adopted, the general knowledge test will be defined and a fee established for the test, and revised competencies and skills will be adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

Specific Authority 616.165, 616.242(4)(b) FS. Law Implemented 616.100, 616.242 FS. (1998) History--New 9-15-92, Amended 9-21-93, 2-23-94, 5-27-96, 9-23-97, 2-14-99, 11-14-00, _____.

5F-8.012 Fees.

(1) The following fees are adopted:

(a) Annual permit for any amusement ride:	<u>\$300.00</u> 220.00
(b) Annual permit for any Bungy jump:	\$500.00
(c) Inspection fee for each inspection of a kiddie amusement ride:	\$25.00
(d) Inspection fee for each inspection of a non-kiddie amusement ride:	\$50.00
<u>(e) Inspection fee for each inspection of a super amusement ride:</u>	<u>\$100.00</u>
(f)(e) Inspection fee per go cart, in addition to the track inspection fee:	\$5.00
(g)(f) Reinspection fee:	\$300.00

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17(8), 231.30(1) FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 9:00 a.m., November 27, 2001

PLACE: Supreme Court Building, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, FAC.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations subtests may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. General knowledge. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

a. The ability to write in a logical and understandable style with appropriate grammar and sentence structure.

b. The ability to read, comprehend, and interpret professional and other written material.

c. The ability to compute, think logically and solve problems.

2. ~~The ability to read, comprehend, and interpret professional and other written material;~~

3. ~~The ability to comprehend and work with fundamental mathematical concepts;~~

4. ~~The ability to comprehend patterns of physical, social and academic development in students, including exceptional students in the regular classrooms, and to counsel students concerning their needs in these areas;~~

5. ~~The ability to recognize and be aware of the instructional needs of exceptional students;~~

6. ~~The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;~~

7. ~~The ability to recognize signs of alcohol and drug abuse in students, and counseling techniques with emphasis on intervention and prevention of future abuse;~~

8. ~~The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;~~

2.9. Before July 1, 2002, the ~~The~~ professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2002, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these ~~this~~ publications may be obtained from the Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3.4. Before July 1, 2002, the ~~The~~ subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2002, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these ~~this~~ publications may be obtained as described in subparagraph (2)(c)2.9. of this rule.

(d) ~~Before July 1, 2002, the~~ ~~The~~ College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection ~~(13)~~~~(14)~~ of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, FAC.

(e) ~~Alternative procedures to demonstrate mastery of general knowledge. An applicant for a teaching certificate who has successfully completed all prerequisites for issuance of the professional certificate except passing one (1) specific subtest of the College Level Academic Skills Test and who has taken and failed to achieve a passing score on that specific subtest at least four (4) times may meet the general knowledge requirements of paragraph (1)(c) of this rule, including the ability to read, write, or compute, through two (2) alternative procedures. The alternative procedures include substitution of scores from other tests and substitution of course work and classroom demonstration of general knowledge skills as follows:~~

1. An applicant may substitute demonstration of general knowledge mastery in the failed College-Level Academic Skills Test subtest through passing scores on the following tests from the Praxis Series tests. The Praxis Series tests are further described, and the passing scores are defined, in subsection (13) and paragraph (14)(a) of this rule.

a. Praxis I Pre-Professional Skills Test: Mathematics #0730 or Praxis I Computer-Based Academic Skills Assessment: Mathematics #0731 may be used as an alternative to the College-Level Academic Skills Test: Mathematics.

b. Praxis I Pre-Professional Skills Test: Reading #0710 or Praxis I Computer-Based Academic Skills Assessment: Reading #0711 may be used as an alternative to the College-Level Academic Skills Test: Reading.

e. Praxis I Pre-Professional Skills Test Writing #0720 or Praxis I Computer-Based Academic Skills Assessment: Writing #0721 may be used as an alternative to the College-Level Academic Skills Test: Essay and English Language Skills; or

2. An applicant may substitute demonstration of general knowledge mastery in the failed College-Level Academic Skills Test subtest through verification by the district superintendent that the applicant has achieved the general knowledge competencies. The superintendent shall base the verification on a review of the applicant's classroom teaching experience and an analysis of the applicant's college transcript of course work as described below:

a. The district superintendent shall verify that the applicant has demonstrated successful experience in the professional application of generic subject area competencies in the subject area for which an alternative demonstration is sought. This successful experience will be determined by a team composed of the applicant's principal, a peer teacher, and a district-level supervisor in that subject area. Mastery will be based on observation, structured interviews, or performance portfolios that demonstrate the applicant's proficiency in each of the following generic subject area skills:

(I) Mathematics. Adds, subtracts, multiplies, and divides whole numbers, decimals, and fractions; demonstrates the meaning and use of fractions and percents; represents and interprets data using charts, tables, graphs, and maps; solves measurement problems involving length, area, volume, capacity, weight, time and temperature using U.S. customary and metric units; applies mathematical skills to solve real world problems; identifies geometric forms and relationships.

(H) Reading. Identifies and evaluates relevant professional material; understands basic statistical terminology (such as mean, median, mode); demonstrates literal reading skills (such as recognizing main idea, details, sequencing, comparison and contrast); demonstrates interpretative reading skills (such as predicting outcomes, drawing conclusions, making generalizations); demonstrates critical reading skills (such as recognition of relevant and irrelevant information, propaganda

techniques, and fallacies in reasoning); produces a logical summary interpretation of the results of research in professional material.

(III) English Language Skills and Essay. Differentiates between formal and informal written English and demonstrates ability to use both forms; uses language at the level appropriate to the topic and reader; comprehends and applies basic mechanics of writing: spelling, capitalization, and punctuation; comprehends and applies appropriate sentence structure; comprehends and applies basic technique for the organization of written material; comprehends and applies standard English usage in written communication.

b. The applicant must have successfully completed course work within the last sixty (60) months in the subject area for which an alternative demonstration is sought. For the College-Level Academic Skills Test: Mathematics test, the applicant must demonstrate the successful completion of six (6) college credit hours with a grade of "B" or higher in mathematics classes equivalent to or higher than college algebra or finite mathematics. For the College-Level Academic Skills Test: English Language Skills, Essay, and Reading test, the applicant must demonstrate the successful completion of six (6) college credit hours with a grade of "B" or higher in English classes equivalent to or higher than ENC 1101 or ENC 1102 in Florida's Statewide Course Numbering System.

e. In cases in absence of the B grade or absence of the recency of credit, a peer review could recommend to the State Commissioner of Education that the person be certified.

(3) Administration of the examinations.

(a) The examinations shall be administered by a test administration agency or agencies under contract with the Florida Department of Education.

(b) The examinations shall be administered at least four (4) times each year. The Commissioner of Education shall establish the examinations dates each year which may include supplemental test administrations. The Commissioner of Education shall designate the registration deadlines, administration sites, and examinations test available for the supplemental administrations.

(c) The examinations shall be administered at centers designated by the Commissioner of Education.

(d) An examinee may retake a failed examination test provided at least thirty (30) days have elapsed since the previous administration of the failed examination test.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations subtests not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2002, a A complete application shall consist of the following:

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2001. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination and for each registration for the professional skills examination test; each registration for the professional skills test; and each registration for any combination of the general knowledge tests of reading, writing, and mathematics to nondegree vocational certification candidates.

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)1.b., FAC., for certification applicants taking a supplemental examination.

2. Beginning July 1, 2002, a completed application shall consist of the following:

a. A completed application Form CG-20-02, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-02 is hereby incorporated by reference and made a part of this rule to become effective July 2002. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A thirty-three (33) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional skills examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests.

c. A charge of one hundred twenty-five (125) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

3.2. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in Rule 6A-4.0021(4)(b), FAC.

(b) Late registration for the examinations shall be for the initial examinations or for one (1) or more examinations ~~subtests~~ not previously passed. An applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.0021(4)(a)1., FAC., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination test; each registration for the professional skills

examination test; each registration for any combination of the general knowledge tests of reading, writing, and mathematics to nondegree vocational certification candidates; and each registration for any combination of the College Level Academic Skills Test subtests. Beginning July 1, 2002, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examinations by completing the requirements listed in Rule 6A-4.0021(4)(a)2., FAC., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional education examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registrations shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(5) Admission. The test administration agency shall provide each applicant with an admission ticket specifying the examination center and the time of the examination. The admission ticket and other identification are required for entrance into the examination center. The other identification shall be specified on the admission ticket. An applicant who arrives after the examination has begun shall not be admitted until the start of the next ~~subtest of the examination~~ or subtest.

(6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language shall not alone be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with disabilities.

(a) Definition of terms.

1. A person with a disability means any person who:

- a. Has a physical or mental impairment which substantially limits one (1) or more major life activities;
- b. Has a record of such an impairment; or
- c. Is regarded as having such an impairment.

2. The definitions for the phrases used in paragraph (6)(a) of this rule – physical or mental impairment, major life activities, has a record of such an impairment and regarded as having an impairment – are the same as in the definition of disability included in the Americans With Disabilities Act, Section 35.104(1)(2)(3)(4).

(b) Persons requesting special arrangements must be certified as having a disability by a licensed psychologist or physician. Such documentation shall have been completed within the previous three (3) years and must be received on official letterhead stationery. In the absence of such certification, the applicant may submit documentation of accommodations provided for a disability during the applicant's baccalaureate or graduate degree program. Any documentation submitted must describe the disability and the accommodations made necessary by the disability.

(c) Special test arrangements may include but are not limited to the following:

1. Flexible scheduling. The person may be administered an examination ~~a subtest~~ during several brief sessions, so long as that examination ~~subtest~~ is completed on the test administration date. Double time may be allowed.

2. Flexible setting. The person may be administered an examination ~~subtest~~ individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

3. Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person's responses onto a machine-scorable answer sheet. In instances where the proctor is required to mark the responses on behalf of the examinee, there will be a tape recording of the examinee's selected responses. A large-block answer sheet may be provided. The person may use a word processor or typewriter to prepare any required essay or other written response. Technical support to operate the word processor or typewriter will be provided.

4. Revised format. The person may use a large-print booklet, a Braille test booklet, or a magnifying device.

5. Auditory aids. A tape recorded version of the examination ~~test~~ may be provided, the examination ~~test~~ may be read by a narrator, or the examination ~~test~~ may be provided via video tape with a narrator using oral language or sign language.

6. Assistive personnel. Test personnel may be provided by the test administrator to record answers, sign test instructions, or read instructions and text.

(d) Appropriate special arrangements for testing shall be provided, where necessary, to afford an individual with a disability an equal opportunity to participate. In determining the type of special arrangement to be provided, primary consideration shall be given to the requests of the individual with the disability. However, if it can be demonstrated that special arrangements that are equally effective as those requested are available at less cost or are more readily available, the Department may provide the less expensive or more readily available means of special arrangements for testing.

(e) In no case shall the modifications authorized herein be interpreted or construed as an authorization to provide a person with assistance in determining the answer to any examination ~~test~~ item.

(f) Nothing in this rule shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under this rule which the individual chooses not to accept.

(g) This rule does not require the Department to provide individuals with disabilities with personal devices, such as wheelchairs, individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use for study; or services of a personal nature including assistance in eating, toiletry, or dressing.

(h) Appeals procedure. An examinee who is denied test accommodations may appeal the denial to the Commissioner of Education. Such appeal may necessitate a later test date.

~~(7) Scoring of the professional skills examination reading, writing, mathematics, and professional skills subtests.~~

~~(a) A passing score on each of the multiple-choice subtests shall be a scaled score of at least 200.~~

~~(b) Performance equivalent to a scaled score of 200 is expressed as a Rasch logit value. The minimum acceptable performance equivalent to a scaled score of 200 as determined from the field test conducted by the Department in April, 1980 is a logit value of 0.70 on the professional skills examination:~~

~~1. A logit value of 1.30 on the mathematics subtest.~~

~~2. A logit value of 1.70 on the reading subtest.~~

~~3. A logit value of 0.70 on the professional skills subtest.~~

~~(c) The passing score on subsequent forms of each of the mathematics, reading and professional skills examination subtests shall be equated to a score of 200 on the score scale derived from the field tests identified in Rule 6A-4.0021(7)(b), FAC.~~

~~(d) Acceptable performance on the writing subtest shall be a total score of four (4) or more based on the summed ratings of two (2) trained judges using a scale of one (1) which is an unsatisfactory score to four (4) which is an outstanding score. In the event the two (2) ratings are two (2) or more points different, or in the event the summed ratings equal three (3), the writing sample will be rated by a referee and the referee's score will replace the most discrepant of the original ratings.~~

~~(8) Writing subtest standards:~~

~~(a) Judges. The Commissioner shall appoint persons to judge the writing subtest who have the following minimum qualifications:~~

~~1. Academic preparation. At least a bachelor's degree with an emphasis in English, writing, and composition.~~

~~2. Experience. A minimum of two (2) years experience in teaching and evaluating writing. Examples of qualifying experience are: teaching English or language arts in secondary~~

schools, teaching college composition courses, serving as a teaching assistant for college classes in composition, or working as a professional copy editor.

3. Specific training. Successful completion of a training program provided by the Department or its contractors.

(b) Referees. The referees shall be judges who have demonstrated in the training program and through prior experience unusual success as composition teachers or raters.

(c) Rating scale. The four-level scale for judging the writing subtest is defined as follows:

1. A rating of one (1) indicates the essay lacks unity and focus. It is distorted and/or ambiguous, and it fails to treat the topic in sufficient depth and breadth. There is little or no discernible organization and only scant development of ideas, if any at all. The essay betrays only sporadically a sense of paragraph and sentence structure, and it is syntactically slipshod. Usage is irregular and often questionable or wrong. There are serious errors in spelling, capitalization, and punctuation.

2. A rating of two (2) indicates the essay has some degree of unity and focus, but each could be improved. It is reasonably clear, though not invariably so, and it treats the topic with a marginal degree of sufficiency. The essay reflects some concern for organization and for some development of ideas, but neither is necessarily consistent nor fully realized. The essay reveals some sense, if not full command of paragraph and sentence structure. It is syntactically bland and, at times, awkward. Usage is generally accurate, if not consistently so. There are some errors in spelling, capitalization, and punctuation that detract from the essay's effect if not from its sense.

3. A rating of three (3) indicates the essay is focussed and unified, and is clearly if not distinctively written. It gives the topic an adequate though not always thorough treatment. The essay is well organized, and much of the time it develops ideas appropriately and sufficiently. shows a good grasp of paragraph and sentence structure, and its usage is generally accurate and sensible. Syntactically, it is clear and reliable. There may be a few errors in spelling, capitalization, and punctuation, but they are not serious.

4. A rating of four (4) indicates the essay is unified, sharply focussed, and distinctively effective. It treats the topic clearly, completely, and in suitable depth and breadth. It is clearly and fully organized, and it develops ideas with consistent appropriateness and thoroughness. The essay reveals an unquestionably firm command of paragraph and sentence structure. Syntactically, it is smooth and often elegant. Usage is uniformly sensible, accurate, and sure. There are very few, if any, errors in spelling, capitalization, and punctuation.

~~(8)~~(9) Scoring of the subject area specialty examinations subtests.

(a) The Commissioner of Education shall recommend to the Florida State Board of Education for its approval a passing score or scores required for each subject area specialty examination subtest. Such required scores shall take effect when designated by the State Board.

(b) For subject area specialty examinations tests listed below, a score earned prior to May 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective August 1, 1990, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October, 1988 test administration:

SUBJECT	SCORE
Biology 6-12	70 correct items
Computer Science K-12	72 correct items
Earth-Space Science 6-12	70 correct items
Emotionally Handicapped K-12	87 correct items
Geography 6-12	105 correct items
Guidance and Counseling PK-12	83 correct items
History 6-12	89 correct items
Journalism 6-12	89 correct items
Mentally Handicapped K-12	63 correct items
Physical Education K-8	66 correct items
Physical Education 6-12	72 correct items
Physically Impaired K-12	79 correct items
Political Science 6-12	84 correct items
Reading K-12	69 correct items
School Psychologist PK-12	61 correct items
Specific Learning Disabilities K-12	78 correct items
Speech-Language Impaired K-12	79 correct items
Varying Exceptionalities K-12	80 correct items

(c) For subject area specialty examinations tests listed below, a score earned prior to October 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective October 1, 1990, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April, 1989 test administration:

SUBJECT	SCORE	German K-12	A score of
Art K-12	63 correct items		Intermediate High or
Elementary Education 1-6	84 correct items		more on the oral
English 6-12	71 on a scale that weights the multiple choice section <u>eighty (80)</u> seventy (70) percent and the essay section <u>twenty (20)</u> thirty (30) percent.		interview and a score of 82 on a scale that weights the multiple choice section eighty (80) percent and the writing section twenty (20) percent.
Hearing Impaired K-12	66 correct items	Middle Grades English 5-9	57 on a scale that weights the multiple choice section <u>seventy (70)</u> eighty (80) percent and the essay section <u>thirty (30)</u> twenty (20) percent.
Mathematics 6-12	60 correct items		
Music K-12	64 correct items		
Primary Education K-3	88 correct items		
Social Science 6-12	102 correct items		

(d) For subject area specialty examinations tests listed below, a score earned prior to May 1, 1991, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. After May 1, 1991, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). The scaled score shall be equivalent to the following scores on the October 1989 test administration:

SUBJECT	SCORE
Chemistry 6-12	57 correct items
Drama 6-12	96 correct items
Economics 6-12	70 correct items
Educational/Media Specialist PK-12	102 correct items
Health K-12	71 correct items
Latin K-12	70 correct items
Middle Grades General Science 5-9	70 correct items
Middle Grades Mathematics 5-9	59 correct items
Middle Grades Social Science 5-9	87 correct items
Physics 6-12	51 correct items
French K-12	87 on a scale that weights the multiple choice section fifty (50) percent, the speaking section forty (40) percent, and the writing section ten (10) percent.

Speech 6-12

Prior to October 1, 1996, 119 on a scale that weights the multiple choice section fifty (50) percent and the speech section fifty (50) percent. Beginning October 1, 1996, a score of fifty-six (56) on the multiple choice section and a score of four (4) or more on the speech section based on the summed ratings of two (2) trained judges using a scale of one (1) low to four (4) high.

(e) For subject area specialty examinations tests listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1990 test administration:

SUBJECT	SCORE
Humanities K-12	88 correct items
Psychology 6-12	94 correct items
Sociology 6-12	95 correct items
Visually Impaired K-12	99 correct items

(f) For the subject area specialty examination test listed below, a score earned prior to January 1, 1992, shall be considered a passing score and shall be valid for certification in the subject area for a period of two (2) years from the test administration date. Effective January 1, 1992, through September 30, 1993, a passing score for this subject area examination test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the April 1990 test administration:

Preschool Education N-PK 94 correct items

(g) For subject area specialty examinations tests listed below, a score earned prior to April 1, 1992, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective September 1, 1992, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the October 1990 test administration:

SUBJECT	SCORE
Business Education 6-12	69 correct items
Home Economics 6-12	83 correct items
Occupational Specialist	87 on a scale that weights the multiple choice section forty-five (45) percent and the short answer section fifty-five (55)percent.

(h) For the subject area specialty examinations tests listed below, a score earned prior to April 1, 1995, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective April 1, 1995, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200).

English to Speakers of Other Languages K-12
Prekindergarten/Primary PK-3

For the subject area specialty examination test listed below, this scaled passing score will be equivalent to the following score on the October 1992 test administration:

Subject	Score
English to Speakers of Other Languages K-12	54 correct items

For the subject area specialty examination test listed below, this scaled passing score will be equivalent to the following score on the October 1993 test administration:

Subject	Score
Prekindergarten/Primary PK-3	73 correct items

(i) For the subject area specialty examinations tests listed below, a score earned prior to October 1, 1996, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date:

Subject
Agriculture 6-12
Industrial Arts-Technology Education 6-12
Marketing 6-12
Preschool Education Birth-Age 4

Effective October 1, 1996, a passing score for these subject area examinations tests will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April 1995 test administration:

SUBJECT	SCORE
Agriculture 6-12	83 correct items
Industrial Arts – Technology Education 6-12	83 correct items
Marketing 6-12	72 correct items
Preschool Education Birth – Age 4	81 correct items

(j) For the subject area specialty examination test listed below, passing for a score earned prior to August 1, 2000, shall be a scaled score of at least two hundred (200). This scaled passing score shall be equivalent to the following score on the October 1989 test administration:

Spanish K-12	87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.
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Effective August 1, 2000, a passing score for this examination test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the October 1998 and January 1999 test administrations:

Spanish K-12	88 on a scale that weights the multiple choice section sixty (60) percent, the speaking section twenty-five (25) percent, and the writing section fifteen (15) percent.
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~~(k) A score earned on a subject area specialty test shall not be used for the purposes listed below until a minimum numerical passing score has been approved by the Florida State Board of Education.~~

1. ~~Renewal of a professional certificate or retention of a subject on a certificate. However, an individual who takes a subject area test for renewal of a professional certificate prior to the approval of a minimum numerical passing score may apply for a one (1) year extension of the professional certificate to allow time to complete renewal requirements.~~

2. ~~Addition of a middle grades coverage to a professional certificate when all specialization course requirements have not been completed. However, an individual who was issued a two-year temporary certificate for the 1988-90 school fiscal years covering a middle grades subject when all specialization course requirements were not completed may apply for issuance of another temporary certificate for the 1990-92 school fiscal years covering the same middle grades subject.~~

~~(k)(4) Before July 1, 2002, the~~ The subject area specialty examinations subtests approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition."

~~(l) Beginning July 1, 2002, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition."~~

~~(9)(10) Scoring of the College Level Academic Skills Test before July 1, 2002.~~

(a) The scoring of the College Level Academic Skills Test is described in Rule 6A-10.0311(3), FAC.

(b) The passing standards for the College Level Academic Skills Test are described in Rule 6A-10.0312, FAC.

(c) The College Level Academic Skills Test scores shall be reported through a score report mailed to the examinee and through a report to the Department of Education.

(d) If an individual has met the passing standards for the College Level Academic Skills Test, the individual will not be required to retake this examination test to meet the requirements of Rule 6A-4.0021(2)(d), FAC.

~~(10)(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations subtests.~~

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent two (2) authenticated score reports as described in Rule 6A-4.0021~~(10)(11)~~(a), FAC. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the either the CG-20-01, Registration Application: Certification Examinations for Florida Educators or the

CG-20-02, Registration Application: Certification Examinations for Florida Educators ~~CG-20-01, Registration Application: Certification Examinations for Florida Educators.~~

(c) Official documentation of scores earned on each ~~subtest of the examination~~ for a temporary or for a professional certificate shall be the original authenticated score report as described in Rule 6A-4.0021~~(10)(11)~~(a), FAC., or a duplicate authenticated score report as described in Rule 6A-4.0021~~(10)(11)~~(e), FAC.

(d) Scores shall be reported as Pass or Fail for each subtest of the examination. The Commissioner of Education may provide additional score information to the examinee.

(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each duplicate score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

~~(11)(12) Review.~~

(a) An examinee who fails one (1) or more examination(s) ~~subtests of the examination~~ may file a written request with the test administration agency for handscoring of the examination(s) ~~reading, mathematics, English language skills, subject area, or professional skills subtest that was failed.~~ The request shall be filed within thirty (30) days of the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more examinations ~~subtests~~ shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.

(b) An examinee who fails one (1) or more ~~subtests of the examination(s)~~ may review each examination ~~subtest~~ that was failed and bring to the Florida Department of Education's attention any scoring errors which may result in a passing score. The procedures for test review are listed below:

1. The examinee shall file a written request with Florida Teacher Examinations, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399, within sixty (60) days of the date the score report was mailed by the test administration agency. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee's review of the materials in Tallahassee. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.

2. The Commissioner of Education shall notify the individual of the action on the statement of scoring errors not later than thirty (30) days from receipt of the statement.

~~(12)~~(13) Administration of the Praxis Series: Professional Assessments for Beginning Teachers before July 1, 2002. These examinations tests shall be administered as described in the Praxis Series Registration Bulletin which may be obtained from Educational Testing Service, Post Office Box 6051, Princeton, New Jersey, 08541-6051.

~~(13)~~(14) Scoring of the Praxis Series: Professional Assessments for Beginning Teachers.

(a) The scores listed below shall be considered minimum passing scores for the following examinations tests of the Praxis I: Academic Skills Assessments. Passing scores on the examinations tests may be used to satisfy the requirement of mastery of general knowledge, including the ability to read, write, and compute, ~~as referenced in Section 231.17(2)(b), Florida Statutes~~. Passing scores are required on one (1) subtest from each of the general knowledge areas of reading, writing, and mathematics. The list below shows the general knowledge areas, followed by the names of the subtests and the minimum passing scale scores. A passing score on either subtest for the area will meet the requirement.

Area/ <u>Subtest</u> <u>Test</u>	Scale Score
Reading	
Praxis I Pre-Professional Skills; Test: Reading #0710	172
Praxis I Computer-Based Academic Skills Assessment: Reading #0711	321
Writing	
Praxis I Pre-Professional Skills; Test: Writing #0720	171
Praxis I Computer-Based Academic Skills; Assessment: Writing #0721	318
Mathematics	
Praxis I Pre-Professional Skills; Test: Mathematics #0730	175
Praxis I Computer-Based Academic Skills Assessment: Mathematics #0731	317

(b) The scale score listed below shall be considered the minimum passing score for the following examination test of the Praxis II: NTE Programs Core Battery. A passing score on this examination test may be used to satisfy the requirement of mastery of professional skills as referenced in Section 231.17~~(5)(2)(b)~~, Florida Statutes.

Professional Education	Scale Score
Professional Knowledge #0520	657

(c) The scale scores listed below shall be considered minimum passing scores for the following examinations tests of the Praxis II: Subject Assessments and NTE Specialty Area examinations tests. Passing scores on the examinations tests may be used to satisfy the requirement of mastery of the subject matter in the certification area as referenced in Section 231.17~~(4)(2)(b)~~, Florida Statutes. The list shows the certification areas for which there are approved examinations

tests, followed by the names of the examinations tests and the minimum passing scale scores. If there is more than one (1) examination test listed for a certification area, a passing score on either examination test will meet the requirement.

Certification Area/ <u>Examination</u> <u>Test</u>	Scale Score
Elementary Education 1-6 Education in the Elementary School #0010	560
Elementary Education: Curriculum, Instruction and Assessment #0011	151
Emotionally Handicapped K-12 Teaching Students with Emotional Disturbance #0370	600
Guidance and Counseling PK-12 School Guidance and Counseling #0420	630
Mathematics 6-12 Mathematics #0060	620
Mentally Handicapped K-12 Education of Students with Mental Retardation #0320	580
Middle Grades English 5-9 English Language, Literature, and Composition: Content Knowledge #0041	165
Middle Grades Mathematics 5-9 Mathematics #0060	600
Physical Education K-8 Physical Education #0090	610
Prekindergarten/Primary PK-3 Early Childhood Education #0020	600
Primary Education K-3 Early Childhood Education #0020	600
School Social Worker School Social Worker #0210	640
Social Science 6-12 Social Studies #0080	560
Social Studies: Content Knowledge #0081	158
Specific Learning Disabilities K-12 Teaching Students with Specific Learning Disabilities #0380	590
Varying Exceptionalities K-12 Special Education #0350	590

~~(14)~~(15) Score reports for the National Teacher Examination Praxis examinations tests. A properly authenticated score report is defined as the original score report issued directly by the Educational Testing Service without any qualification, reservation, or irregularity.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 16, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT
PUBLISHED IN FAW: September 21, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination

RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form and revise the test registration fee effective July 2002. The effect will be to provide an updated registration form for certification applicants.

SUMMARY: The rule adopts by reference the form to be used by persons desiring to register for the Florida Teacher Certification Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.17(8), 231.30 FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 9:00 a.m., November 27, 2001

PLACE: Supreme Court Building, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before July 1, 2002, a ~~A~~ completed application shall consist of the following:

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective July 2001. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.00821(4)(a)1.b., FAC., for certification applicants taking the examination on a supplemental administration date.

2. Beginning July 1, 2002, a completed application shall consist of the following:

a. A completed application Form CG-20-02, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-02 is hereby incorporated by reference and made a part of this rule to become effective July 2002. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A sixty (60) dollar registration fee.

c. A charge of one hundred twenty-five (125) dollars in addition to the fees described in Rule 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

~~3.2.~~ An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in Rule 6A-4.00821(4)(b), FAC.

(b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. Before July 1, 2002, an ~~An~~ applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.00821(4)(a)1., FAC., and submitting a thirty (30) dollar late charge. Beginning July 1, 2002, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.00821(4)(a)2., FAC., and submitting a thirty (30) dollar late charge. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(9) Score reports.

(a) No change.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-01, Registration Application: Certification Examinations for Florida Educators or the CG-20-02, Registration Application Certification Examinations for Florida Educators.

Specific Authority 231.15(1), 231.17(8),(11), 231.30(1) FS. Law Implemented 231.15, 231.17, 231.30 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-5-99, 7-17-00, 7-16-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: September 21, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Florida Bridge Numbering Plan
RULE CHAPTER NO.: 14-49
RULE TITLE: Numbering Plan
RULE NO.: 14-49.003

PURPOSE AND EFFECT: This rule is considered to be obsolete and, therefore, is being repealed. This is part of an ongoing effort by the Office of the General Counsel to review and repeal any unnecessary rules. The law implemented relates to safety inspection of bridges, not specifically to bridge numbering. The Department bridge numbering plan is executed pursuant to an internal procedure.

SUMMARY: Rule 14-49.003, which shows the method used for numbering bridges, is being repealed. The rule is being repealed because it is considered to be obsolete and unnecessary.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(1), 335.074 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been developed.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support, Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-49.003 Numbering Plan.

Specific Authority 334.044(2) FS. Law Implemented 334.044(1), 335.074 FS. History—New 1-31-78, Formerly 14-49.03, Amended 1-3-90, 8-5-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Day, State Maintenance Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Toll Facilities Operations – Rules for Florida Guaranteed Toll Accounts
RULE CHAPTER NO.: 14-80
RULE TITLES: Purpose 14-80.001
Definitions 14-80.0011
Processing of the Application 14-80.003
Use of the Toll Cards 14-80.004
Monthly Billing 14-80.005
Termination 14-80.0051
Forms 14-80.006

PURPOSE AND EFFECT: This rule chapter is considered to be obsolete and, therefore, is being repealed. The Department will discontinue the use of guaranteed toll accounts effective November 1, 2001. This repeal is part of the ongoing effort by the Office of the General Counsel to review and repeal any unnecessary rules.

SUMMARY: The rule is being repealed because it is considered to be obsolete.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4), 338.155(1) FS.

LAW IMPLEMENTED: 334.187, 338.155 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been developed.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-80.001 Purpose.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.01, Amended 10-11-94, Repealed.

14-80.0011 Definitions.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.02, Amended 10-11-94, Repealed.

14-80.003 Processing of the Application.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.03, Amended 10-11-94, 2-6-96, Repealed.

14-80.004 Use of the Toll Cards.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.04, Amended 10-11-94, Repealed.

14-80.005 Monthly Billing.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.05, Amended 10-11-94, Repealed.

14-80.0051 Termination.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 334.187, 338.155 FS. History--New 10-11-94, Repealed.

14-80.006 Forms.

Specific Authority 334.044(2), 334.187(4), 338.155(1) FS. Law Implemented 120.53(1), 334.187, 338.155 FS. History--New 1-12-83, Formerly 14-80.06, Amended 10-11-94, 2-6-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Naitove, Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Close Management
RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the conditions of confinement and the privileges provided to close management inmates.

SUMMARY: The proposed rule revises procedures related to placement and review of inmates in close management, assessment of needs and behavioral risk of close management inmates, provision of mental health services, inmate property and canteen access, exercise, programs, telephone access, visiting, dayroom access, restraint and escort requirements, and staff assignments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1) Definitions.

(a) No change.

(b) Medical Staff Clinical health care personnel – a health care professional whose primary responsibility is the provision of physical health care to inmates physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTCC), psychologist, psychology intern, psychology resident or psychological specialist.

(c) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental health care to inmates.

(d)(e) Close Management (CM) – the confinement of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, where the inmate, through his or her own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

(e)(d) No change.

(f)(e) Individualized Service Close Management Plan (ISP) – a dynamic, written description of problems, goals, and services which is developed and implemented by the

multi-disciplinary services team (MDST) and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff program plan developed for individual inmates determined to be at risk for deterioration of mental health functioning as a result of prolonged confinement. The plan utilizes a variety of therapeutic activities, prevention, and intervention components from available mental health and program resources to prevent potential deterioration of mental health and adaptive functioning.

(g)(f) Multi-disciplinary Services Close Management Program Team – a team of an interdisciplinary team of representatives from mental health, programs, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as This team develops and monitors close management plans for individual inmates in close management determined by mental health staff to be at risk for potential deterioration of mental health or adaptive functioning as a result of prolonged confinement.

(h) Critical Event – inmate involvement, after CM placement, in one or more of the following behaviors: suicide attempt or other action that could have caused serious bodily harm; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.

(i)(g) Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's confinement status to determine if changes or modifications are required or recommended.

(j)(h) Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member.

(k)(i) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, and chief of security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(l)(j) Institutional Classification Team Docket – the official record of an ICT hearing.

(m)(k) Major Rule Violation – any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n)(l) Offender Based Information System (OBIS) – the department's computer offender database system which is utilized to organize and store security, classification, program and other offender information.

(o)(m) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled close management II or III inmates who work outside the secure perimeter on institution grounds.

(p)(n) Senior Correctional Officer – a correctional officer lieutenant or above.

(e) Special risk inmate – any inmate who has demonstrated behavior that is harmful to himself or herself.

(q)(p) No change.

(2) No change.

(3) Procedures for Placement in Close Management.

(a) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his or her own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(b) No change.

(c) Prior to docketing an inmate's case for close management, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, DC6-128. Form DC6-128 is incorporated by reference in subsection (19) ~~paragraph (18)~~ of this rule.

(d) Mental health staff will complete the close management referral assessment mental health record review within five two working days of receipt and return it to of Form DC6-128 from the classification supervisor. If the senior psychologist determines that no further evaluation is needed, he or she will forward Form DC6-128 to the classification supervisor with relevant recommendations. If the senior psychologist determines that further evaluation is needed, either the senior psychologist or psychiatrist will conduct an interview and evaluation with the inmate to determine the treatment needs of the inmate. The senior psychologist or psychiatrist will forward Form DC6-128, Close Management Referral Assessment, to the classification supervisor with the recommendation for the inmate. The recommendation will include the following placement options: unrestricted placement, placement in a close management facility in which there is a provision for out patient mental health services, placement in a close management facility where intensive mental health services are available, or close management not recommended because of the inmate's current mental health condition. A summary of the clinical findings upon which the recommendation is based shall be provided to the classification supervisor.

(e) Upon receiving the completed close management referral mental health assessment, the classification supervisor will submit the case for ICT Docket. The ICT will evaluate the recommendations for close management placement and the

mental health assessment, interview the inmate, and document its findings and recommendations on the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) paragraph (18) of this rule. The inmate will be given a minimum of forty-eight hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) paragraph (18) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The team will document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team will document such postponement on form DC6-233C.

(3)(f) through (5) No change.

(6) Close Management Facilities.

(a) No change.

(b) The only exception to paragraph Section (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(c) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Segregation, Form DC6-229. Form DC6-229 is incorporated by reference in subsection (19) paragraph (18) of this rule.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will

be responsible for the condition of the cell. Form DC6-221 is incorporated by reference in subsection (19) paragraph (18) of this rule.

(g) No change.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Segregation.

(7) Individualized Service Close Management Plan (ISP) (CMP).

(a) The multi-disciplinary services close management program team consisting of representatives from mental health, programs, classification, and security will develop an ISP, Form DC4-643A, complete a CMP when deemed necessary by mental health clinical staff. Form DC4-643A is incorporated by reference in subsection (19) of this rule.

(b) The ISP CMP will be developed based on the inmate's needs assessment and will take into consideration the inmate's behavioral risk, as determined by the MDST in accordance with subsection (8) of this rule CM level.

(c) The ISP CMP will incorporate mental health, programs, and other services required to address identified problems and to prevent the development or exacerbation of mental and other adjustment problems therapeutic activities and may include prevention and intervention components. The purpose of the plan will be to increase sensory stimulation using a variety of activities from available mental health and program resources.

(d) An ISP shall be established within 14 days of CM placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of CM placement, it shall be updated within 14 days of CM placement to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 30 days of establishing or updating an ISP.

3. 120 days after the initial (30 day) review.

4. Every 180 days after the 120 day review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) The ISP shall be signed by each member of the MDST.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM inmate by completing the Behavioral Risk Assessment, Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 14 days of CM placement.

3. Each time that the MDST reviews the ISP.

(c) Security shall consider results from the behavioral risk assessment and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(d) The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(e) The SCO shall consider results from the behavioral risk assessment, results from mental health evaluations that have been completed, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM inmates except where otherwise specified herein.

(b) CM inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 48 hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM inmates access services outside their cells.

(10)(8) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final

determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Radios are not authorized for an inmate in close management. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) No change.

(e) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. No change.

2. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in close management is prohibited. An inmate housed in close management who is medically exempt from using shaving razors will be clipper-shaved at least three times per week.

3. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to himself or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Daily Record of Segregation, Form DC6-229.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days satisfactory adjustment, will be allowed to make canteen purchases once per week ~~month~~ unless restricted by disciplinary action. ~~Canteen purchases are subject to the following limitations, unless modified by the ICT:~~

~~±~~ Inmates in CMI and II will be allowed to purchase up ~~restricted to a limit of~~ five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of ~~non-food~~ items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days satisfactory adjustment, will be allowed to make canteen purchases once ~~each every two~~ weeks unless restricted by disciplinary action. ~~Canteen purchases are subject to the following limitations, unless modified by the ICT:~~ Inmates in CMIII will be allowed to purchase up ~~restricted to~~ five non-food items and ~~ten~~ four food items. In making the determination, with the exception of

~~stamps and notebook paper for food~~, it is the number of ~~food~~ items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. Any disciplinary reports received by an inmate in which there is a guilty finding and placement in disciplinary confinement or suspension of canteen privileges between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of the requested items.

~~4. The ICT has the authority to suspend privileges for canteen purchases when the inmate fails to comply with the rules and procedures established for close management. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the Daily Record of Segregation, DC6-229.~~

(h) No change.

~~(i) Counseling Interviews – Counseling shall be provided to close management inmates in cell or out of cell when deemed necessary by mental health staff. The ICT will determine whether an inmate in close management may be removed from his or her cell to attend any counseling session when they determine that it is safe to do so, or whether counseling must take place in cell.~~

~~(i)(j) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate’s cell, and access to visits with research aides certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time frames. Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) paragraph (18) of this rule. Typewriters or typing services are not considered required items and will not be permitted in confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide certified law clerk for the purpose of preparing legal documents, legal mail, and filing grievances.~~

(k) through (l) renumbered (j) through (k) No change.

~~(l)(m) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the~~

items will be removed. Such removal of reading materials will be documented on Form DC6-229, Daily Record of Segregation. If items are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

~~(m)(n) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Daily Record of Segregation, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate’s limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.~~

(n) At a minimum, wellness services for close management inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

~~(11)(9)~~ Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived.

(b) CMI. Privileges for an inmate assigned to CMI who maintains a satisfactory adjustment are as follows:

1. Participation in available approved programs, including in-cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns after a minimum period of at least 60 days with a clear disciplinary record since assignment to close management;

2. Check out three one soft-back book from the library at least once per week and possess no more than three one soft back books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three one books on tape per week and possess no more than three books one at any given time, even though the actual number of tapes may be more than three one per book;

3. Conduct routine inmate bank transactions once per month;

4. Subscribe to one magazine and newspaper as provided for in Rule 33-210.101, F.A.C., and possess no more than four issues of each at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days following 30 days of satisfactory adjustment as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205;

6. Receive one two-hour non-contact a personal visit by appointment after completing 30 60 days of satisfactory adjustment in close management status and having no major rule violations maintained a clear disciplinary record during this period since assignment to close management. If found guilty of any major rule violations disciplinary infractions while assigned to CMI, the inmate is eligible to be considered for visits 30 60 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed;

7. The inmate is eligible to receive one two-hour non-contact personal visits by appointment after each subsequent 30 60 day period with no major rule violations a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concerns would preclude a visit. All visits for CMI inmates in CMI will be non-contact visits.

(c) CMII. In addition to the programs provided for CM I inmates and those privileges outlined in ~~(11)(9)(b)1.-4.5.~~ of this rule, the following privileges are authorized: cell front counseling and program offerings shall be made available to inmates who desire to participate.

1. CMII inmates will be eligible to receive one two-hour non-contact personal visits by appointment:

a.1. After completing 30 days of satisfactory adjustment in close management status and having no major rule violations maintained a clear disciplinary record since being assigned to close management.

b.2. If found guilty of any major rule violations disciplinary infraction while assigned to CMII, the inmate is eligible to be considered for a visits 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, with no major rule violations a continued clear disciplinary record.

c.3. The inmate is eligible to receive personal visits by appointment after each subsequent 14 30 day period with no major rule violations a continued clear disciplinary record and satisfactory adjustment while in the status unless security and safety concerns would preclude a visit. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days satisfactory adjustment, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be restrained during the above-described dayroom access unless determined by the chief of security that the inmate can safely participate without restraints.

(d) CMIII. In addition to the programs privileges provided above for CM I inmates, and those privileges outlined in ~~(11)(9)(b)1.-4.5.~~ of this rule, the following privileges are authorized: cell front or out of cell counseling and program offerings shall be made available to inmates who desire to participate.

1. CM III inmates will be entitled to the following:

a.1. One two-hour contact A personal visit by appointment after completing 30 days of satisfactory adjustment in close management status and having no major rule violations

~~maintained a clear disciplinary record since being assigned to close management. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.709, F.A.C.~~

~~b.2. If found guilty of a disciplinary infraction while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, and the inmate has no major rule violations ~~a continued clear disciplinary record.~~~~

~~c.3. The inmate is eligible to receive one two-hour contact personal visits by appointment after each subsequent 14 day period with no major rule violations ~~a continued clear disciplinary record and satisfactory adjustment~~ while in the status unless security or safety concern would preclude a visit. The warden will determine ~~the conditions of the visit, whether the visit is to be contact or non-contact,~~ and the level of supervision and restraint required.~~

~~2.4. Day room privileges after 30 days six continuous months with a clear disciplinary record and above satisfactory adjustment shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop within the close management unit unless security and safety concerns would preclude day room activities. This privilege will be limited to once per week for up to two hours in duration. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.~~

~~3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days after 30 days of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.~~

~~(12)(10) Suspension of Privileges.~~

~~(a) In addition to the suspension of privileges through disciplinary action, the ICT has the authority to suspend privileges for inmates in close management status who fail to comply with the rules and procedures established for close management.~~

~~(b) The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be~~

documented on the Daily Record of Segregation, Form DC6-229. Privileges suspended by the ICT in excess of ~~30~~ 90 days will require the review and approval of the SCO.

~~(13)(11) No change.~~

~~(14)(12) Restraint and Escort Requirements.~~

~~(a) CMI.~~

~~1. Prior to opening a cell for any purpose, including exercise, health care medical or disciplinary call-outs, telephone calls, recreation, and visiting, the all inmates in the eeH shall be handcuffed behind his or her their backs. If documented medical conditions require that the inmates be handcuffed in front, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.~~

~~2.(b) No change.~~

~~3.(e) Prior to escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit or designated adjacent exercise area, leg irons and other restraint devices shall be applied.~~

~~(b) CMII. The same restraints and escort requirements as provided for CMI inmates above apply to CMII inmates with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.~~

~~(c) CMIII. Unless precluded by specific safety and security concerns, CMIII inmates shall be escorted within the unit and to exercise areas attached to the unit as well as to all program and privilege activity participation without restraints. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.~~

~~(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other which would preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.~~

~~(15)(13) Contact by Staff.~~

~~(a) The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) paragraph (18) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if there is any discussion of significance, action or behavior of the~~

inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.
4. Daily by medical staff ~~a clinical health care person.~~
5. through 6. No change.
7. Weekly by ~~a psychologist or his or her mental health staff designee.~~
8. through 9. No change.
10. ~~At least once a month by a member of the ICT to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.~~

~~(14) Special Risk Inmates:~~

~~(a) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the health services department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated.~~

~~(b) Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/Restraint Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC4-650 is incorporated by reference in paragraph (18) of this rule. Form DC6-210 is incorporated by reference in Rule 33-602.210.~~

~~(16)(15) Review of Close Management.~~

~~(a) An ICT member shall review inmates in close management at least once every week for the first 60 days and once every 30 days thereafter. The purpose shall be toward reducing the inmate's status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.~~

~~(b) Any inmate assigned to close management for more than 30 days shall be given a psychological screening assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by mental health staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT~~

~~shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from close management shall be forwarded by the ICT to the SCO. If the decision is to continue confinement, a new psychological screening assessment shall be completed at least every 90-day period.~~

~~(c) The close management program team (CMPT) will review each CMP at least 30 days after the implementation of the plan and at least every 60 days thereafter. However, the CMPT shall meet within 7 days if mental health staff determine that more immediate attention is required. All changes and or modifications will be documented on the inmate's CMP. The CMPT's review (and interview, if necessary) will include the following:~~

- ~~1. A status assessment of the inmate's participation;~~
- ~~2. A status evaluation of the close management plan's objectives and goals, and the ability to meet the inmate's needs;~~
- ~~3. A determination if changes or modifications to the current plan are needed.~~
- ~~4. The CMP will be available in the CM unit. The original will be placed in the mental health record. All changes to the plan will be attached to the original mental health record and the copy maintained in the CM unit.~~

~~(b)5. All services provided by any mental health or program staff member shall be recorded on the Daily Record of Segregation, Form DC6-229 Close Management Activity Participation Log, Form DC6-129, which shall be kept in the officers' station of the CM unit. When the form has been completely filled-out or the inmate has been released from the CM unit, a copy shall be placed in the inmate file and the original shall be filed in the mental health record. ~~Form DC6-129 is incorporated by reference in (18) of this rule.~~~~

~~(c)(d) No change.~~

~~(d)(e) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status and interview the inmate. The ICT's recommendation shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or a lower level of management.~~

~~(e)(f) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from~~

close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security and may interview the inmate before determining the final disposition of the inmate's close management status. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a lower level of management. The SCO's decision shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The ICT shall advise the inmate of the SCO's decision.

~~(17)~~~~(16)~~ Close Management Records.

(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate, Form DC6-229 shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management area. Each staff person shall sign the record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems; ~~including any inmate who requires special attention.~~ Upon completion, Form DC6-228 shall be maintained in the housing

area and forwarded to the chief of security on a ~~daily weekly~~ basis where it shall be maintained on file pursuant to the current retention schedule.

~~(18)~~~~(17)~~ Staffing Issues.

(a) Officers assigned to a confinement unit shall be ~~reviewed~~ ~~rotated to another assignment~~ every 18 months ~~for a period of at least one year~~ by the chief of security to determine whether a rotation is necessary. The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

~~(19)~~~~(18)~~ Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~(a) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date 2-12-01.~~

~~(a)~~~~(b)~~ Form DC6-128, Close Management Referral Assessment, effective date _____ ~~2-1-01~~.

~~(e)~~ Form DC6-129, Close Management Activity Participation Log, effective date 2-1-01.

~~(b)~~ Form DC4-643A, Individualized Service Plan, effective date _____.

~~(e)~~~~(d)~~ Form DC6-221, Cell Inspection, effective date _____ ~~2-12-01~~.

~~(d)~~~~(e)~~ No change.

~~(e)~~~~(f)~~ Form DC6-229, Daily Record of Segregation, effective date _____ ~~2-12-01~~.

~~(f)~~~~(g)~~ Form DC6-233C, Report of Close Management, effective date _____ ~~2-1-01~~.

~~(g)~~~~(h)~~ Form DC6-251, CMI and II Canteen Order, effective date _____ ~~2-1-01~~.

~~(h)~~~~(i)~~ Form DC6-252, CMIII Canteen Order, effective date _____ ~~2-1-01~~.

~~(i)~~~~(j)~~ No change.

~~(j)~~ Form DC4-729, Behavioral Risk Assessment, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, Substantially Amended 2-1-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Dugger
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Residency Criteria and Admission Procedures
RULE NO.: 58A-5.0181

PURPOSE AND EFFECT: The proposed amendment clarifies paragraph (a) of subsection (2) of Rule 58A-5.0181, F.A.C., and corrects DOEA Form 1823, dated March 1999, to correspond with the definition of physician.

SUMMARY: The Residency Criteria and Admission Procedures rule is amended to include a physician assistant as an examiner and provider of certain medical examination reports and the Resident Health Assessment form signature tag is accordingly corrected and revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 400.407, 400.426, 400.441 FS.
LAW IMPLEMENTED: 400.402, 400.407, 400.4075, 400.426, 400.441 FS.

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

TIME AND DATE: 9:00 p.m. - 10:00 p.m., Monday, November 19, 2001

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

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

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-5.0181 Residency Criteria and Admission Procedures.

- (1) No change.
(2) HEALTH ASSESSMENT.

(a) Within 60 days prior to the residents admission to a facility but no later than 30 days after admission, the individual shall be examined by a physician, physician assistant, or advanced registered nurse practitioner who shall provide the administrator with a medical examination report, or a copy of the report, which addresses the following:

- 1. through 8. No change.
(b) through (g) No change.
(3) through (5) No change.

Specific Authority 400.407, 400.426, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.411, 400.414, 400.4178, 400.419, 400.4255, 400.426, 400.428, 400.441, 400.447, 400.452 FS. History-New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Macdonald

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Luis C. Morse, Acting Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

Table with 2 columns: RULE TITLES and RULE NOS.:
Purpose of Ambulatory Patient Data Reporting 59B-9.010
Submission of Ambulatory Patient Data Definitions 59B-9.013
Reporting Instructions 59B-9.015
Ambulatory Patient Data Format - Data Elements and Codes 59B-9.018
Ambulatory Patient Data Format - Record Layout 59B-9.019
Data Standards 59B-9.020

PURPOSE AND EFFECT: The proposed rule amendments eliminate report requirements for radiation therapy as these requirements substantially duplicate reporting requirements in Rule 64D-3.006.

The proposed rule amendments require that cardiac catheterization laboratories report separately for each separate location. The current rule explicitly requires reporting entities to submit separate reports for each separate location with the exception of cardiac catheterization laboratories. The proposed amendment adds an explicit reference to cardiac catheterization laboratories, requiring separate reports for each separate location.

The proposed rule clarifies that reporting the data element, patient status, is required. The current rule states that patient status is required in Rule 59B-9.018 and 59B-9.020, and the

current rule states that patient status is optional in Rule 59B-9.019. The proposed rule amendment eliminates the reference to optional reporting in Rule 59B-9.019.

SUMMARY: The agency is proposing amendments to Rules 59B-9.010, 59B-9.011(1), 59B-9.013, 59B-9.015, 59B-9.018, 59B-9.019, 59B-9.020 that will eliminate the reporting of patient visits for which the services provided are limited to radiation therapy. The agency is proposing an amendment to Rule 59B-9.011(3) that will require cardiac catheterization laboratories to submit a separate report for each separate location. The agency is proposing an amendment to Rule 59B-9.019(2)(aaaa) that deletes a reference to optional reporting of the data element, patient status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.07 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING ON THE PROPOSED RULE AMENDMENT WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 20, 2001

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, 2727 Mahan Drive, Mail Stop #16, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-9.010 Purpose of Ambulatory Patient Data Reporting.

The reporting of ambulatory patient data will provide a statewide integrated database of ambulatory surgical procedures ~~and certain radiological procedures~~ and permit assessment of variations in utilization, practice parameters, access to ambulatory care and estimates of cost trends for ambulatory procedures. The amendments appearing herein are effective with the reporting period starting January 1, 2003 ~~January 1, 1999~~.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98, _____.

59B-9.011 Submission of Ambulatory Patient Data.

(1) The following entities shall submit ambulatory patient data and reports to the Agency for Health Care Administration (AHCA or agency):

(a) All licensed short-term acute care hospitals;
 (b) All licensed ambulatory surgical centers as defined in s. 395.002(3)(4), F.S.;

~~(c) All freestanding radiation therapy centers defined in s. 408.07, F.S.;~~

~~(c)(d)~~ All lithotripsy centers defined in s. 408.07, F.S.;

~~(e) All physicians licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who practice within the specialty of diagnostic or therapeutic radiology and who wholly own and operate as a freestanding center providing treatment through the use of radiation therapy machines registered under s. 404.22, F.S. "Wholly own" includes ownership of the physician and their immediate family members to include spouse, children, parents, brothers and sisters;~~

~~(d)(f)~~ All cardiac catheterization laboratories defined in s. 408.07, F.S.

(2) No change.

(3) Each facility in (1)(a) above shall submit a separate report for each location per 59A-3.203, F.A.C. Each facility in (1)(b) above shall submit a separate report for each location per 59A-5.003, F.A.C. Each facility or provider in (1)(c) or (1)(d) ~~(1)(e), (1)(d) or (1)(e)~~ above shall submit a separate report for each separate location.

(4) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History—New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, 7-11-01, _____.

59B-9.013 Definitions.

(1) through (5) No change,

(6) Each "Ambulatory Center" is required to report ambulatory patient data. For purposes of this rule, ambulatory center includes freestanding ambulatory surgery centers, short-term acute care hospitals, ~~radiation therapy centers,~~ lithotripsy centers, and cardiac catheterization laboratories ~~and providers of radiation therapy.~~

(7) through (9) No change.

Specific Authority 408.15(8) FS. Law Implemented 395.002, 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, _____.

59B-9.015 Reporting Instructions.

(1) No change.

(2) Ambulatory centers shall report data for all non-emergency room ambulatory or outpatient visits in which surgery ~~the following services are provided:~~

~~(a) Surgery services were performed by a licensed physician and to which the following services provided correspond to~~ Current Procedural Terminology (CPT) codes ~~are assigned. CPT codes~~ 10000 through 69999 and 93500 through 93599. Codes must be valid in the current or the immediately preceding year's code book to be accepted.

~~(b) Radiological services listed in the Current Procedural Terminology (CPT) codes 77000 through 77999.~~

(3) No change.

(4) ~~For each patient visit, ambulatory~~ Ambulatory centers shall report all services provided ~~to an ambulatory surgical, cardiac catheterization or radiation therapy patient~~ using CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) through (6) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01,_____.

59B-9.018 Ambulatory Patient Data Format – Data Elements and Codes.

(1) No change.

(2)(a) through (xxx) No change.

(yyy) ~~Blank Field Radiation Therapy Visits~~ A two character alpha-numeric field to be left blank. ~~If the primary procedure code is between 77000-77999, inclusive, enter the total number visits included in this record. For Radiation Oncology visits only. If the primary procedure is not between 77000-77999, inclusive, report 01.~~

(zzz) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.019 Ambulatory Patient Data Format – Record Layout.

“Type” means (A)lpha or (N)umeric or combination field. “Justification” is either (R)ight or (L)eft. The data elements for each ambulatory patient data record must have a logical record length of 400 characters with the following record layout:

(1) No change.

(2)(a) through (xxx) No change.

(yyy) ~~BLANK FIELD RADIATION THERAPY VISITS~~ A/N N L R 2 323-324

(zzz) No change.

(aaaa) PATIENT STATUS ~~(OPTIONAL)~~ A/N L 2 329-330

(bbbb) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.020 Data Standards.

(1) through (11) No change.

(12) Primary Procedure Code is required. Must be CPT codes between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive, ~~or between 77000 and 77999, inclusive.~~ Space filled fields between two successive codes procedure fields will create an error. Use CPT codes that are current. Codes must be valid in the current or immediately preceding

year’s code book to be accepted. Use of HCPCS codes (other than CPT codes in the ranges cited above) in this field are an error.

(13) through (32) No change.

~~(33) Blank Field is a blank fill entry. Radiation therapy visits field must equal 01 unless the primary procedure code is between 77000-77999, inclusive. If the primary procedure code is between 77000-77999, inclusive, enter the total number of visits included in this record.~~

(34) through (37) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Elizabeth Dye, State Center for Health Statistics Administrator, State Center for Health Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Rhonda M. Medows, MD, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:

Qualification for Certification 61G4-15.001

PURPOSE AND EFFECT: This rule amendment establishes the elements of a sixty (60) hour course of instruction in order to meet the qualifications for eligibility to take the swimming pool/spa servicing contractor’s examination.

SUMMARY: Chapter 2001-117, Laws of Florida, amended §489.111(2)(c)6.d., Fla. Stat., to provide that an applicant would be eligible to take the swimming pool/spa servicing contractor’s examination if he or she completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Licensing Industry Board by rule. This rule amendment would provide standards for approval of such courses and their content.

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: 489.111(2)(c), 489.115, 489.119, 489.129(3) FS.

LAW IMPLEMENTED: 489.105(3), (6), 489.111(2)(c), 489.119, 489.129(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Suzanne Lee, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1) through (4) No change.

(5) An applicant wishing to sit for the swimming pool/spa servicing contractor certification examination must submit proof that he meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)(l), F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) One (1) hour each of instruction covering workers' compensation insurance, workplace safety, contracting business practices, and the pool safety equipment provisions of Chapter 515, Florida Statutes, and the Florida Building Code;

(b) Sixteen (16) hours of instruction consisting of the Certified Pool Operator Course of the National Swimming Pool Foundation or a substantially equivalent course. Training courses approved by the Department of Health pursuant to Rule 64E-9.018, F.A.C., shall be deemed substantially equivalent courses; and

(c) Forty (40) hours of instruction utilizing the National Spa and Pool Institute "Basic Pool and Spa Technology Textbook" (2001 edition), or substantially equivalent materials, and including instruction on the following topics: Structures – Pool Structures & Finishes; Spa & Hot Tub Structures, Finishes & Equipment Packs; Circulation System – Circulation & Piping; Hydraulics – Pumps, Pump Motors & Air Blowers, Filters, Heaters, Chemical Feeders & Generators; Chemistry – Chemical Safety, Water Testing & Water Treatment; Water Treatment – Chlorine; Water Treatment – Other; Water Balance; Electrical System – Basic Electricity, Safety Requirements & Pool/Spa Electrical Equipment, Lighting, Controls, Controllers & Control Systems; Maintenance – Routine Maintenance, Season & Special Care, Covers; and Dewatering.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94,

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The purpose of the substantially rewording of this rule is to clarify the obligations of licensed harbor pilots and certified deputy pilots as they relate to matters of safety.

SUMMARY: The Board is substantially rewording this rule to make it gender-neutral, replace the precatory "should" or "may" with obligatory "shall", improve syntax, eliminate redundancy and surplusage and make the rule more susceptible of clear understanding.

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: 319.15 FS.

LAW IMPLEMENTED: 319.0015(3)(a), 310.075(4), 310.101(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G14-15.003 follows. See Florida Administrative Code for present text.)

61G14-15.003 Safety Guidelines.

As used in this rule, "pilot" shall mean both a state licensed pilot and a state certified deputy pilot.

(1) If a pilot determines that circumstances render transit by a vessel unsafe, the pilot shall not be required to board or direct the movement of the vessel until conditions permit safe transit. He/she shall advise the vessel's master of his/her action, request that it be noted in the vessel's log, and document it in his/her records. If the pilot becomes aware that master insists on moving the vessel without a pilot, the pilot shall attempt, by any appropriate means, to give notice of such movement, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(2) If, after any pilot has boarded a vessel, circumstances change so as to render the proposed transit unsafe, he/she shall advise the master to postpone or halt the transit until it can be safely undertaken. If the master insists that the vessel continue as originally intended, the master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under prevailing circumstances. He/she shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(3) If a pilot has boarded a vessel and circumstances change rendering docking or undocking of the vessel unsafe, he/she shall so advise the master. If the master insists that the vessel dock or undock in spite of advice to the contrary, the master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under the prevailing circumstances. The pilot shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the

Board for its review and approval, the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each berth and channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes.

(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by s. 310.061, Florida Statutes, each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall annually submit for the board's review and approval or rejection, pilot work schedules for the port which are best suited to meet local conditions and demands and which:

(a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot;

(b) Provide sufficient off-duty time for rest, and;

(c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History—New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: RULE NO.:

Approval of Courses 61G19-9.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to Approval of Courses.

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: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.004 Approval of Courses.

(1) Any provider registered pursuant to this Chapter may apply for approval of a continuing education course. The application must be submitted on a Board-approved form, BPR/BCAI/11 Rev. 7/97, B.C.A.I. Course Approval Application, which is hereby incorporated by reference and will be effective 10-1-97, copies of which may be obtained from the Board office. Applications must be submitted a minimum of ninety (90) days prior to the date the offering begins.

(2) through (13) No change.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 01-27R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) 62B-33

RULE TITLES: RULE NOS.:
Definitions 62B-33.002

Structural and Other Requirements Necessary for Permit Approval 62B-33.007

Permit Application Requirements and Procedures 62B-33.008

PURPOSE AND EFFECT: To amend definitions and address statutory changes made during the 2001 legislative session. The proposed amendments will implement changes to Chapter 161.053, Florida Statutes, and will establish certain requirements necessary for permit approval.

SUMMARY: Chapter 62B-33, F.A.C., provides the rules and procedures for coastal construction and excavation seaward of the coastal construction control line and 50-foot setback.

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

Any person who wishes to provide a proposal for a lower regulatory cost must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 161.053 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS.

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

TIME AND DATE: 3:00 p.m., November 20, 2001

PLACE: Room 153 of the Marjorie and Archie Carr Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND FOR A COPY OF THE HEARING AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 186. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 72 hours before the hearing by contacting the Bureau of Personnel Services at (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771(TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

OFFICE DIVISION OF BEACHES AND COASTAL SYSTEMS SHORES – RULES AND PROCEDURES FOR COASTAL CONSTRUCTION AND EXCAVATION (PERMITS FOR CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE AND FIFTY-FOOT SETBACK)

62B-33.002 Definitions.

(1) through (24) No change.

(25) "Florida Building Code" refers to Part VII of Chapter 553, Florida Statutes, the Florida Building Codes Act, effective January 1, 2002.

~~(26)~~(25) No change.

~~(26) "Groin" is a structure built (usually perpendicular to the shoreline) to trap or alter alongshore movement of sediment or to retard erosion of the beach and dune system.~~

(27) through (58) No change.

~~(59) "Uplift Pressure" is any upward hydrostatic, hydrodynamic, or wind pressure on a surface of a structure.~~

~~(59)~~(60) No change.

~~(61) "Wave" is a ridge, deformation, or undulation of the surface of a fluid.~~

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00, 7-1-01,_____.

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

(1) For a building permit for which an application is submitted to the Department prior to the effective date of the Florida Building Code, the standards contained within this section shall govern the permitted work for the life of the permit and any extension granted to the permit. All structures shall be designed so as to minimize any expected adverse impact on the beach dune system, marine turtles, or adjacent properties and structures and shall be designed consistent with Rule 62B-33.005, Florida Administrative Code.

(2) All building permit applications submitted to the appropriate local building department prior to the effective date of the Florida Building Code shall be treated by the Department in accordance with the standards contained within this section and shall be governed by the Department for the life of the permit and any extension granted to the permit.

(3) Pursuant to Sections 553.73 and 553.79, F.S., except as noted in subsections 62B-33.007(1) and (2) above, and upon the effective date of the Florida Building Code, the provisions of subsections 62B-33.007(4), (5)(c), (d), (e), (f), (h), (i), and (j), below, which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities will be enforced by the local governments, in accordance with the Florida Building Code.

~~(4)~~(2) No change.

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

(a) Habitable major structures shall be designed in accordance with the Florida Building Code, minimum building code adopted for the area pursuant to Sections 553.70-898.895, Florida Statutes, the Florida Building Codes Act. In the event of conflict between the requirements of this

chapter and the above building codes or other state or federal laws, the requirements resulting in the more restrictive design for wind, wave, hydrostatic and hydrodynamic loads and erosion conditions shall apply.

~~(b) All major structures shall be designed in accordance with the applicable wind standards contained in Chapter 16, of the Florida Building Code Section 6, American National Standards/American Society of Civil Engineering 7-88 "Minimum Design Loads for Buildings and Other Structures", which is adopted herein by reference,; except that for major habitable structures the minimum basic wind speed shall be 110 miles per hour (mph) (115 mph in the Florida Keys) unless building codes adopted by the applicable county or municipality require a higher velocity, and all major structures shall be designed so that the structure and its components do not become airborne missiles. An engineer or an architect registered in the State of Florida shall provide separate certifications that the main wind force resisting system has been designed in accordance with this standard, and that the components and cladding have been selected and their use incorporated into the design and specifications to withstand the wind loads determined in accordance with this standard.~~

(c) through (f) No change.

(g) The requirements specified in paragraph 62B-33.007~~(5)~~(3)(f), Florida Administrative Code, are not applicable if the Department determines that the substantial wall or partition is landward of the predicted erosion limits of a one-hundred-year storm, that the one-hundred-year storm stillwater depth at the substantial wall or partition is less than 1.5 feet, and that the applicant complies with all other requirements of this chapter.

(h) through (m) No change.

~~(n) All other nonhabitable major structures need not be designed for the erosion, scour, and loads associated with a one hundred year storm event; however, they shall be designed to minimize the impact resulting from their structural failure.~~

~~(n)~~(o) No change.

~~(6)~~(4) All Minor structures need not meet specific structural requirements for wind and wave forces, but they shall be designed to produce the minimum adverse impact on the beach and dune system and adjacent properties and to reduce the potential for generating aerodynamically or hydrodynamically-propelled missiles.

Specific Authority 161.053 FS. Law Implemented 161.052(2), 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, 8-27-00,_____.

62B-33.008 Permit Application Requirements and Procedures.

(1) Applications received by the Department prior to the effective date of the Florida Building Code shall contain all of the information required in subsection 62B-33.008(4), F.A.C.

(2) Applications received by the Department after the effective date of the Florida Building Code shall not be required to comply with the provisions of subsections 62B-33.008(4)(j), (n), and (5), except as noted in subsection (3) below.

(3) Applications received by the Department for which a local building permit has been applied for prior to the effective date of the Florida Building Code shall contain all of the information required in subsection 62B-33.008(4), F.A.C.

(4)(+) Any person desiring to obtain a permit for construction seaward of the coastal construction control line or fifty-foot setback from the Department, except those persons applying pursuant to Rule 62B-33.014, Florida Administrative Code, shall submit two copies of a completed application form, only one of which is to include the required attachments, to the Office at the address below. The permit application form, which is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback" – DEP Form 73-100 (Revised 10/01 ~~6/00~~), is hereby incorporated by reference. Copies of the form may be obtained from the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000; or by telephone at (850)488-3180, extension 100. The application shall contain the following specific information:

(a) through (i) No change.

(j) Two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. For major structures and rigid coastal structures these documents shall be signed and sealed by the design engineer or architect (as appropriate), who must be registered in the State of Florida, and shall bear the certification specified in paragraphs 62B-33.0051(2)(c), and 62B-33.007(5)(3)(b) and (n), Florida Administrative Code, and the site plan shall include all information required in paragraphs 62B-33.008(4)(+)(g) and (i), Florida Administrative Code.

(k) Two copies of a dimensioned detailed site plan and grading plan, as necessary, to an appropriate scale showing the location of the proposed structure or structures with respect to the coastal construction control line and the location and volume of any proposed excavation or fill, and all distances and locations as referenced in Section 62B-33.008(4)(f), Florida Administrative Code.

(l) For rigid coastal structures, two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certification specified in paragraph 62B-33.0051(2)(c),

Florida Administrative Code, and the site plan shall include all information required in paragraphs 62B-33.008(4)(g) and (i), Florida Administrative Code.

(m)(*) Details, including engineering design computations, for any proposed waste or storm water discharge onto, over, under or across the beach and dune system, including but not limited to, storm water runoff, swimming pool drainage, air conditioner cooling water discharge, well discharge, domestic waste systems, or outfalls.

(n)(+) An anticipated construction schedule.

(5)(2) No change.

(6)(3) No change.

(7)(4) The Department recognizes that the requirements specified in paragraphs 62B-33.008(4)(+)(b), (f), (g), (h), (i), (j), (k), ~~and (l), (m), and (n),~~ Florida Administrative Code, may not, due to the project specific circumstances, be applicable or necessary to ensure protection to the beach and dune system. In such cases, the applicant shall, as part of the application, identify those requirements and state the reason why they are inapplicable. The Department shall waive inapplicable requirements that do not apply shall be waived by the Department.

(8)(5) No change.

(9) Notwithstanding the provisions under subsection (8) above, an applicant whose permit application was received prior to the effective date of the Florida Building Code shall have 90 days from the effective date of the Florida Building Code in which to submit the information to the Department. If an applicant requires more than 90 days in which to provide the information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to 90 days. No additional extensions shall be granted. Failure of the applicant to provide the timely requested information by the applicable deadline shall result in a denial of the application.

(6) through (10) renumbered (10) through (14) No change.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98, 8-27-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alfred B. Devereaux, Director, Office of Beaches and Coastal Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Continuing Education Credits 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education credits.

SUMMARY: The Board is amending this rule to add a new subsection (4) which will include language regarding an approved continuing education course on medical errors and an amendment is being made to paragraph (6)(c) with regard to the maximum CE hours allowable per biennium.

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: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.033, 465.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.103 Continuing Education Credits.

(1) through (3) No change.

(4) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a CE course approved by the Board or the American Council on Pharmaceutical Education on medication errors. The course shall be not less than 2 hours and must contain the following components:

- (a) Root-cause analysis
- (b) Error reduction and prevention
- (c) Patient safety.

Hours obtained pursuant to Section (4) may be applied to the requirements of section (1).

(5) In lieu of completing an HIV/AIDS course as required in Section (3), the applicant may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.

~~(6)(5)~~ Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

(a) through (b) No change.

(c) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(6) through (7) renumbered (7) through (8) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001 and September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Manner of Application – Examination 64B16-26.203

PURPOSE AND EFFECT: The purpose of the rule amendments is to change the rule's title and update the requirements for licensure.

SUMMARY: The Board finds it necessary to amend the title to this rule and add new language to reflect that applicants must take a course on medication errors prior to licensure.

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: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.07, 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Manner of Application – Examination.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in rule 64B16-26.103(3), as evidenced by a letter attesting to subject matter covered from the Dean of the University. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in 64B16-26.103(4).

(1) through (3) No change.

Specific Authority 465.005, 456.033 FS. Law Implemented 465.007, 456.033, 456.013(1), 465.022 FS. History–New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice – Continuous Quality Improvement Program

RULE NO.:

64B16-27.300

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to quality improvement programs.

SUMMARY: The Board is amending this rule to add new rule text to further clarify the procedure a pharmacist must follow when documenting quality-related events and unnecessary rule text is being deleted.

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: 465.0155 FS.

LAW IMPLEMENTED: 465.0155 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy’s policy and procedure manual and, at a minimum, shall contain:

1. through 3. No change.

4. The procedure for reviewing Quality Related Events.

(b) As a component of its Continuous Quality Improvement Program, each pharmacy shall assure that, following a Quality-Related Event, all reasonably necessary steps have been taken to remedy any problem for the patient. ~~Records shall be maintained for two years of all remedial measures undertaken following a Quality-Related Event.~~

(c) No change.

(4) Each Quality-Related Event that occurs, or is alleged to have occurred, as the result of activities in a pharmacy, shall be documented in a written record or computer database created solely for that purpose. The Quality-Related Event shall be initially documented by the pharmacist to whom it is described, and it shall be recorded on the same day of its having been described to the pharmacist. Documentation of a Quality-Related Event shall include a description of the event that is sufficient to permit categorization and analysis of the event. Pharmacists shall maintain such records ~~for~~ at least until the event has been considered by the committee and incorporated in the summary required in subsection (5) below two years from the date of their creation.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of section 766.101, F.S. In order to determine compliance the Department may review the policy

and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support. No patient name or employee name shall be included in this summarization. The summarization shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

~~(6) Only those pharmacies located in a facility that is operating a medical review committee under the provisions of section 766.101(1)(a), Florida Statutes, shall be subject to the requirement of this section.~~

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History—New 7-15-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:
Change of Ownership 64B16-28.1135
Institutional Permit – Consultant 64B16-28.501
Pharmacist of Record

PURPOSE AND EFFECT: The purpose of the amendments in rule 64B16-28.1135 is to update the rule text with regard to a change of ownership. The purpose of the rule amendments in rule 64B16-28.501 is to rename the rule’s title and to clarify the various permits.

SUMMARY: The Board proposes to amend rule 64B16-28.1135 by adding new rule text which will clarify the requirements for a change in ownership. The Board proposes to amend 64B16-28.501 by changing the rule title and clarifying the types of permits for which a consultant pharmacist must ensure compliance.

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: 465.005, 465.0125, 465.022 FS.
LAW IMPLEMENTED: 465.003(11)(a), 465.0125, 465.018, 465.018, 465.019, 465.0193, 465.0196, 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.1135 Change of Ownership.

(1) A pharmacy permit is not transferable. Upon the sale of an existing pharmacy, a new application must be filed. In those cases where the permit is held by a corporation, the transfer of all the stock of said corporation to another person or entity does not constitute a change of ownership, provided that the initial corporation holding the permit continues to exist.

(2) A change in ownership (and issuance of a new permit number) requires that new records be started and old records closed. The process for closing a pharmacy, including the transfer of prescription files and medicinal drugs, as outlined in Rules 64B16-28.201; 64B16-28.202; and 64B16-28.203 must be followed for the old permit. If the old permit has controlled substances, the new permit must record an “opening inventory” for DEA purposes. Both the new permit and the old permit must keep appropriate records for two (2) years for the transfer of legend drugs and controlled substances.

(3) A change in the company or person who leases the building where the permit is housed does not constitute a change in ownership. A change in the management company which contracts with the owner of the permit for the operation of the permit does not constitute a change in ownership.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.003(11)(a), 465.018, 465.019, 465.0193, 465.0196, 465.022(7) FS. History—New 4-19-00, Amended.

64B16-28.501 ~~Class I~~ Institutional Permit – Consultant Pharmacist of Record.

Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within 10 days of any change in the consultant pharmacist of record. The consultant pharmacist of record for a Class I or a Modified Class II permit shall inspect the facility and prepare a written report to be filed at the permitted facility at least monthly.

Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022 FS. History—New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 10, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Prescription Refills
RULE NO.: 64B16-28.114

PURPOSE AND EFFECT: The Board is amending this rule to clarify when a prescription may not be refilled.

SUMMARY: The Board finds it necessary to amend this rule to clarify that prescriptions may not be refilled if the issuance of the written prescription exceeds one year.

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: 465.005, 465.016(1), 465.022(1)(a), 893.04 FS.

LAW IMPLEMENTED: 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.114 Prescription Refills.

No prescription may be refilled for a period in excess of one (1) year from the date of issuance of the original writing dispensing of the prescription.

Specific Authority 465.005, 465.016(1), 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History—New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 64B16-30.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to probation and new violations are being added which may be imposed upon practitioners.

SUMMARY: The Board is amending this rule to further clarify probation and to set forth new violations and penalty amounts which may be imposed upon practitioners.

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: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 465, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465. The minimum penalty range is based upon a first time single count violation of each provision listed. The maximum penalty range is based upon repeated violations of the same provision of Chapter 465 or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction

from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) through (n) No change.		
(o) Violating 456.072, F.S. 1. through 2. No change.		
3. Being convicted or found guilty of, or entering a plea of <u>guilty or nolo contendere</u> to, regardless of adjudication a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.	Misdemeanor: \$1,000 fine Felony: \$3,000 fine and one (1) year probation	\$5,000 fine and one (1) year suspension Revocation
4. through 11. No change.		
12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.	\$10,000 \$3,000 fine and two (2) years probation	\$10,000 \$5,000 fine and one (1) year suspension
13. through 17. No change.		
<u>18. Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u>	<u>\$1,000 fine</u>	<u>\$2,500 fine and one (1) year probation</u>
<u>19. Testing positive for any drug, as defined in s. 112.0455 on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.</u>	<u>\$2,500 fine and two (2) year probation</u>	<u>\$5,000 fine and one (1) year suspension</u>
(3) through (4) No change.		

Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Citations
 RULE NO.: 64B16-30.003

PURPOSE AND EFFECT: The purpose of the rule amendments is to add new violations.

SUMMARY: The Board is amending this rule by adding several new violations and fines which may be disposed of by citation.

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: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B16-30.003 Citations.
- (1) through (2) No change.
- (3) The following violations with accompanying fines may be disposed of by citation:
 - (a) through (c) No change.

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

- (d) Failure to timely pay a fine or costs imposed by a final order. \$500 per month late to a maximum of \$5,000 (penalty will require permittee or licensee to also pay the original fine and/or costs).

(e) Failure to display any sign, license or permit required by statute or rule. \$500

(f) Failure to have any reference material required by statute or by statute or rule available. \$500

(g) Failure to notify the board of a change in a prescription department manager or consultant pharmacist. Fine based on the length of time prior to notifying board. \$200 a month to \$5,000 maximum.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History-New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH
Board of Respiratory Care

RULE TITLE: Unprofessional Conduct; Definition
RULE NO.: 64B32-5.003
PURPOSE AND EFFECT: The Board proposes to revise the existing rule text after considering statutory revisions to chapter 456, F.S., to make the rule consistent with statutory intent.

SUMMARY: The Board is deleting conduct that should not be considered as unprofessional conduct because it should be classified differently and is adding conduct that should be considered unprofessional.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.353(1), 468.365(1)(f) FS.
LAW IMPLEMENTED: 468.365(1)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.003 Unprofessional Conduct; Definition.
A licensee is guilty of unprofessional conduct when he commits any of the following:

- (1) Violates the confidentiality of information or knowledge concerning a patient.
(2) Has inaccurately recorded, falsified, or altered patient records, including, but not limited to, patient charts or medication administration records.

(2)(3) Has falsely misrepresented the facts on an application for employment as a respiratory therapist, or a respiratory therapy technician.

(3)(4) Leaves a respiratory therapy assignment before properly advising appropriate personnel.

(5) Discriminates on the basis of race, creed, religion, sex, age, or national origin in the rendering of respiratory therapy services as it relates to human rights and the dignity of an individual.

(6) Impersonates or acts as a proxy for an applicant in any examination required for certification or registration.

(7) Impersonates another certified or registered practitioner or permits another person to use his certificate or registration for the purpose of practicing respiratory therapy for compensation.

(4)(8) Has provided false or incorrect information to an employer regarding the status of the certification or registration.

(5) Fails to report another licensee in violation of the laws and/or rules pertaining to the profession.

(6) Uses foul or abusive language in patient care or public areas.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History-New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: RULE NO.:

Citations 64B32-5.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board proposes to revise the existing rule text after considering statutory revisions to Chapter 456, F.S., to make the rule consistent with statutory intent.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.007 Citations.

(1) No change.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Violations of Sections 468.361(2),(3), ~~or (4), or 468.357(3), Florida Statutes:~~ within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; AND

- 1. Failure to document HIV/AIDS continuing education requirement \$100 fine
- 2. Documentation of some but not all of the 24 hours of required continuing education for license renewal \$50 fine for each hour not documented
- ~~3. Documentation of some but not all each of the 20 hours of continuing education required by Section 468.357(3) \$50 fine for each hour not documented~~

(b) Violation of any portion of Rule 64B32-5.003 for unprofessional conduct: \$300 fine.

~~(c)(b)~~ Practicing on a delinquent license, if the license is renewed to active status within 120 days of the date the license should have been renewed: \$50 fine for each month or part thereof.

~~(d)(e)~~ Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.: \$50 ~~\$25~~ fine.

~~(e)(d)~~ Failure to keep written respiratory care records justifying the reason for the action taken by the certificateholder or registrant on only one patient: \$100 fine.

~~(e) Obtaining certification or registration renewal by fraud or misrepresentation in violation of Section 468.365(1)(a), Florida Statutes:~~ \$1,000 fine.

(f) Circulating misleading advertising in violation of Section 468.365(1)(e): \$500 fine.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs, where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation within 45 days from the receipt of the continuing education audit notification: \$150 fine.

(i) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds: \$150 fine.

(3) through (6) No change.

Specific Authority 456.077 FS. Law Implemented ~~456.072(3)~~, 456.077 FS. History—New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES: RULE NOS.:

Training 65C-22.003

Health Related Requirements 65C-22.004

PURPOSE, EFFECT AND SUMMARY: The rule modifications contained in this document will establish minimum child care licensing standards for before-school and after-school care; will establish the Florida School-Age

Credential Training Program; will allow for a credentialed director to supervise multiple before-school and after-school sites; and will delete the requirement for documentation of a negative tuberculosis test for child care personnel.

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

SPECIFIC AUTHORITY: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

PUBLIC HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

(1ST PUBLIC HEARING)

TIME AND DATE: 10:00 a.m., November 27, 2001

PLACE: Tampa Bay Technical High School, Auditorium, 6410 Orient Road, Tampa, Florida 33610

(2ND PUBLIC HEARING)

TIME AND DATE: 10:00 a.m., November 28, 2001

PLACE: Nova Southeastern University, East Campus, Auditorium, Building A, Room 5074, 3100 S.W. 9th Avenue, Ft. Lauderdale, Florida 33315

(3RD PUBLIC HEARING)

TIME AND DATE: 10:00 a.m., November 29, 2001

PLACE: Department of Children and Families, Building 4, 1317 Winewood Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.003 Training.

(1) Definitions.

(a) through (e) No change.

(f) “Before-school and after-school sites,” for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district’s calendar year. This is limited to programs providing care before and after the school day, teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.

(2) through (5) No change.

(6) Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. No change.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Oct. 01 Sept. 98, Child Care Personnel Education/ Employment History Verification Form, which is incorporated by reference.

3. through 4. No change.

5. Graduate of the approved Florida School-Age Credential Training Program.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Credential training, must utilize the Florida School-Age Credential Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Credential training must apply for approval on CF-FSP Form 5257, Oct. 01, Application to Provide the Florida School-Age Credential Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Credential, a candidate must have completed the department’s Florida School-Age Credential Training program, which consists of the following:

(I) A total of 120 hours of training consisting of Part I of the Introductory Child Care Course, the department approved Developmentally Appropriate Practices For School-Age Children training module, and a minimum of 80-clock hours of training using departmentally approved curriculum which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant’s needs.

(F) The maintenance of a commitment to professionalism.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department’s Florida School-Age Credential Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

(IV) 480 hours of work with children in a child care setting within the past five years.

c. Individuals who are enrolled in an existing school-age credential training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age credentialing requirement.

d. Training organizations that provide the Florida School-Age Credential training must complete a CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Credential Training Program, which is incorporated by reference, for each graduate. The completed form must be submitted to the local training coordinating agency for processing upon graduation.

e. The training coordinating agency will issue CF-FSP Form 5256, Oct. 01, Florida School-Age Credential Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Credential Training Program.

f. To maintain a valid Florida School-Age Credential, every five years candidates must provide documentation of 4.5 Continuing Education Units (CEUs) or one three-hour course in any school-age child care curriculum area.

(b) Periods of Transition. Child care personnel meeting the credentialing requirements in (a) 1.-~~5.4.~~ of this section must work at the facility during normal periods of time excluding opening, closing, nap time, lunch and free time. A credentialed person must be on-site a minimum of 20 hours per week.

(c) Verification of Education and Employment History

1. Child care personnel seeking satisfaction of the credentialing requirements, in (a) 1.-~~5.4.~~ of this section, must submit all documentation to the child care owner or operator for whom they are presently employed. Child care owners or operators are responsible for completing, verifying and having notarized CF-FSP Form 5211, Oct. 01 Sept. 98, Child Care Personnel Education and Employment History Verification Form. Child care owners and operators seeking satisfaction of the credentialing requirement must submit all documentation to their local training coordinating agency for processing.

2. Upon receipt of the completed forms, the training coordinating agency will issue CF-FSP Form 5206, Oct. 01, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, to the child care personnel, owner or operator who submitted the application.

3. No change.

(d) Calculation of Number of Personnel Necessary

1. through 4. No change.

5. In addition to CF-FSP Form 5206, Oct. 01 Sept. 97, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. No change.

(7) Director Credential.

(a) Pursuant to s. 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2003, which consists of the foundational level or the advanced level. Pursuant to s. 402.305(1)(c), a credentialed director holding a foundational or advanced level Florida director's credential may supervise multiple before-school and after-school sites.

(b) No change.

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Credential; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. through 6. No change.

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Credential; formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. through 6. No change.

(d) through (h) No change.

(i) Before-school and after-school sites.

1. A director holding a foundational or advanced level Florida director's credential may supervise multiple before-school and after-school sites as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350.

2. When a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet all minimum age and training requirements of a child care facility operator to include the following:

a. Be at least 21 years of age;

b. Completed the department-approved Introductory Child Care Course (Parts I and II);

c. Completed basic training in serving children with special needs, either as part of the Introductory Child Care Course, Part II, specialized training module, Developmentally Appropriate Practices for Children with Special Needs, or the annual 8 hours of inservice training.

3. By July 2005, when a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet one of the staff credential qualifications as outlined in 65C-22.003(6)(a)1.-5., F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 9-20-01, _____.

65C-22.004 Health Related Requirements.

~~(1) Tuberculosis:~~

~~(a) Upon hire each employee must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

~~(b) All child care facilities' personnel must be tested for tuberculosis at least every two years and provide documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

(2) through (4) renumbered (1) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-26-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, Building 6, Room 389-A, 1317 Winewood Blvd., Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NOS:	RULE TITLES:
1S-2.027	Clear Indication of Voter's Choice on a Ballot
1S-2.031	Recount Procedures

NOTICE OF ADDITIONAL HEARINGS

ADDITIONAL HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 7, 2001

PLACE: Jacksonville City Hall, St. James Building, Renaissance Room, 1st Floor, 117 West Duval Street, Jacksonville, Florida 32202

TIME AND DATE: 5:00 p.m. – 8:00 p.m., November 8, 2001
PLACE: Tampa Port Authority, 1101 Channelside Drive, Tampa, Florida 33602

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 1801, The Capitol, Tallahassee, Florida 32399-0250, (850)488-1402

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)488-1402, at least three days in advance of the meeting.

NOTICE OF FULL TEXT OF RULES: Published in the Florida Administrative Weekly, October 5, 2001, Vol. 27, No. 40.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-220.051	Conduct of Public Adjusters
4-220.201	Ethical Requirements

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. 21, May 25, 2001, of the Florida Administrative Weekly:

4-220.051 Conduct of Public Adjusters.
Section 626.854 is deleted from Specific Authority.

4-220.201 Ethical Requirements.
Paragraph (4)(c) is changed to read:

~~(c) An adjuster shall never approach investigations, adjustments, and settlements in a manner prejudicial to the insured. An adjuster shall treat all claimants equally; an adjuster shall not provide favored treatment to any claimant. An adjuster shall adjust all claims strictly in accordance with the insurance contract.~~

Paragraph (4)(l), the second sentence is changed to read:
Further, the adjuster shall not conclude a settlement when such settlement would be disadvantageous or to the detriment of a claimant who is in the traumatic or distressed state described above.

Subsection (5) is changed to read:

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters. The following ethical considerations are specific to public adjusters, and shall be binding upon public adjusters, in addition to considerations set out elsewhere in this rule for adjusters.