

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF BANKING AND FINANCE****Division of Banking****RULE TITLE:**

Disapproval of Directors or

Executive Officers

**RULE NO.:**

3C-100.03852

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to generally give effect to Section 655.0385, F.S., which requires, under certain circumstances, the reporting of changes in directors and executive officers and the establishment of standards for the disapproval of directors or executive officers.

**SUBJECT AREA TO BE ADDRESSED:** The rule requires that State financial institutions, within certain specified categories, file notices with the Department prior to adding or replacing members of their boards of directors or prior to employing individuals as executive officers or equivalent positions. The rule sets forth the procedures for providing prior notice to the Department and the standards the Department will use when disapproving the appointment of directors or the employment of executive officers, or equivalent positions.

**SPECIFIC AUTHORITY:** 655.012(3), 655.0385(4) FS.

**LAW IMPLEMENTED:** 655.0385, 658.21, 658.33, 665.013, 667.003 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., December 5, 2001

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Linda B. Charity, Chief, Bureau of Financial Institutions-District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) Section 655.0385, Florida Statutes, requires state financial institutions to notify the Department of the proposed appointment of any individual to the board of directors or the employment of any individual as an executive officer, or equivalent position, 60 days before such appointment or employment becomes effective, if the applying financial institution:

(a) Has been chartered for less than two years;

(b) Has undergone a change in control or conversion within the preceding 2 years, ~~and is not exempted under subsection (6) of this rule;~~

(c) Is not in compliance with the minimum capital requirements applicable to such financial institution; or

(d) Is otherwise operating in an unsafe or unsound condition, as determined by the Department, on the basis of such financial institution's most recent report of condition or report of examination.

## (2) Notice.

(a) A financial institution shall provide a complete written notice to the Department at least 60 days prior to the effective date of the appointment of a director or the employment of an executive officer, or equivalent position. Each notice shall include a completed Form DBF-C-10 Interagency Biographical and Financial Report, revised 11/97, which is hereby incorporated by reference. Notices shall be submitted to and Form DBF-C-10 may be obtained by request from the Department of Banking and Finance, Division of Banking, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350. Form DBF-C-10 may also be found at the Department's Internet website: <http://www.dbf.state.fl.us/banking.html> by using the icon "Download Department of Banking and Finance Application Forms" and by selecting the icon "DBF-C-10."

(b) A notice is not complete until the financial institution provides all the information requested in paragraph (2)(a), including complete explanations where material issues arise regarding the competence, experience, character, or integrity of the proposed director or executive officer, or equivalent position, and any additional information that the Department requests following a determination that the financial institution's original submission of the notice was not complete.

(c) Each proposed director or executive officer, or equivalent position, shall make certain that the notice submitted on his or her behalf is accurate.

## (3) No change.

(4) Requests ~~f~~For Interim Appointment.

(a) Any financial institution may file a written request with the Department to permit an individual proposed as a director or executive officer, or equivalent position, to assume his or her position on an interim basis prior to the expiration of the 60 day prior notice period.

(b) The Department shall not consider a request for interim appointment or employment of a director or executive officer, or equivalent position, unless the Department has received a completed Form DBF-C-10 for the proposed individual.

(c) The Department shall only grant a request for the interim appointment or employment of a director or officer, or equivalent position, if the interim appointment or employment is not likely to cause a risk of harm to the financial institution or the public interest.

(d) The granting of a request for the interim appointment or employment of an individual to the position of director or executive officer, or equivalent position, shall not affect the Department's ability to subsequently issue a notice of disapproval within the 60 day prior notice period.

(5) Regulatory Standards for Evaluating Requests for Proposed Directors or Executive Officers, or Equivalent Positions.

(a) The financial institution may appoint or employ an individual to begin service as a director or executive officer, or equivalent position, on a permanent basis if:

1. The Department notifies the financial institution of an intent not to disapprove the director or executive officer, or equivalent position; or

2. The 60 day review period expires and during such review period the concerned individual was not disapproved.

(b) The Department shall issue a notice of disapproval if the competence, experience, character, or integrity of the proposed individual to be appointed or employed indicates that it is not in the best interests of the depositors, the members, or the public to permit the individual to be employed by or associated with the state financial institution.

(c) Unless the Department finds, in writing, that the proposed individual has shown rehabilitation, the proposed director or executive officer, or equivalent position, shall not be eligible for appointment or for permanent or interim employment, if the individual:

1. Has been convicted of or has entered a plea of guilty or nolo contendere, regardless of adjudication, to a felony or of an offense involving moral turpitude, dishonesty, a breach of trust, a violation of state or federal financial institution law, the Florida Financial Institutions Codes, or fraud;

2. Has been removed by any regulatory agency as a director, officer, or employee of any financial institution;

3. Has performed acts of fraud or dishonesty, or has failed to perform duties, resulting in a loss to a financial institution; ~~or~~

4. Has been convicted or found guilty, regardless of adjudication, of a violation of Section 655.50, Florida Statutes, relating to the Florida Control of Money Laundering in Financial Institutions Act; Chapter 896, ~~Florida Statutes~~, relating to offenses related to financial transactions; or any similar state or federal law;

5. Has had a professional license suspended or revoked by the applicable licensing authority or has been sanctioned by such licensing or regulatory authority for violations of any statutes, rules or policies; or

6.~~(d)~~ If an individual proposed as a director or executive officer, or equivalent position, ~~h~~Has demonstrated a lack of responsibility in relation to financial matters which is reflected by the credit-payment history and/or bankruptcy of the person

or by the person's business history, ~~it shall be permissible to consider such conditions in evaluating the character and integrity of the individual.~~

~~(d)~~~~(e)~~ Material errors or omissions in any information submitted to the Department regarding an individual shall be grounds for a finding by the Department that the individual fails to meet the requisite standards for service as a director or executive officer, or equivalent position, of a state financial institution.

~~(e)~~~~(f)~~ If an individual is proposed for the position of chief executive officer, president, or equivalent position, he or she shall have had at least 1 year of direct experience as an executive officer, financial institution regulator, or director of a financial institution within the last 3 years. A financial institution may request a waiver of this requirement by writing to the Director of the Division of Banking detailing why the proposed officer's overall experience and expertise compensates for the lack of recent, direct financial institution or financial institution regulator experience. The Department shall grant a request for a waiver only when it is clear that the proposed officer's overall experience and expertise suggests he or she will perform satisfactorily in office.

~~(f)~~~~(g)~~ If the proposed executive officer, president, or equivalent position is to be employed by a state financial institution that does not meet the minimum capital requirements or is otherwise operating in an unsafe or unsound condition, the Department shall, based on the unique needs of the financial institution, require more extensive financial institution experience.

~~(6) Pursuant to Section 655.0385(1)(b), Florida Statutes, the Department may exempt from the 60 day notice requirement a financial institution which has undergone a change of control or conversion within the preceding two years and which operates in a safe and sound manner.~~

~~(a) A financial institution with a composite rating of "1", "2" or "3", and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a state or federal regulatory action shall be automatically exempted from the 60 day notice requirement. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, letters of understanding and agreement, and any other equivalent action initiated by a financial regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)~~

~~(b) Other financial institutions may request an exemption by writing to the Director of the Division of banking detailing why the institution believes it is operating in a safe and sound manner and why an exemption is appropriate. Any such~~

~~request must include supporting documentation of improvements in the institution and its operations. The request for exemption shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "2" or "3", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request for waiver from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.~~

Specific Authority 655.012(3), 655.0385(4) FS. Law Implemented 655.0385, 658.21, 658.33, 665.013 FS. History--New 12-14-93, Amended 3-20-00, 12-28-00, \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community  
Release Programs

RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify definitions of terms applicable to offender eligibility and ineligibility for community release programs and placement therein.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony W. Garcia, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

(1) No change.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. through 4. No change.

5. Refused to complete substance abuse and academic ~~substance abuse~~ programs ~~Modality II, or III,~~ unless the refusal was based upon objections to the religious based content of the

program, in which case, an alternate non-deity based ~~substance~~ ~~abuse~~ program will be offered and must be successfully completed.

6. through 7. No change.

(b) No change.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE: Legal Visitors

RULE NO.: 33-601.711

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the exchange of documents during legal visits.

SUBJECT AREA TO BE ADDRESSED: Legal visits.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.711 Legal Visitors.

(1) through (5) No change.

(6) Documents will not be exchanged between the attorney and the inmate unless the attorney notifies the warden that the exchange of documents is necessary and the warden approves the exchange. The warden is authorized to disapprove any document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 944.23 FS. History--New 10-6-83, Formerly 33-5.11, Amended 3-8-98, Formerly 33-5.011, Amended \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Cameras and Tape Recorders

RULE NO.: 33-601.712

by Attorneys

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which an attorney bring and use a camera to photograph his inmate client.

SUBJECT AREA TO BE ADDRESSED: Use of cameras during attorney visits.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.712 Use of Cameras and Tape Recorders by Attorneys.

(1) An attorney may bring and use a camera to photograph his inmate client if he certifies in writing that the physical condition of the inmate client is relevant to a pending or prospective lawsuit, judicial or quasi-judicial proceeding, or administrative proceeding involving another agency, that he needs to photograph the inmate client to preserve evidence of such condition, and that he will comply with reasonable security procedures. No inmate shall be photographed without his consent. Photographs that might jeopardize security by showing the physical layout of the institution or in any other specific way shall not be permitted.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 1-12-83, Formerly 33-5.091, Amended 3-8-98, 3-23-99, Formerly 33-5.0091, Amended.

## DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Process	33-601.715
Visiting Denial	33-601.717
Visiting by Former and Current Department and Contract Employees	33-601.719
Visiting Operations	33-601.721
Visiting Check-In Procedures	33-601.723
Permissible Items for Visitors	33-601.725
Visitor Searches	33-601.726
Visitor Conduct	33-601.727
Denial or Termination of Visits	33-601.729
Visiting Check-Out Procedures	33-601.730
Revocation or Suspension of Visiting Privileges	33-601.731
Reinstatement of Revoked or Suspended Visiting Privileges	33-601.732
Visiting – Special Status Inmates	33-601.733

Visiting – Disciplinary Confinement,

Protective Management and

Administrative Confinement Inmates 33-601.734

Special Visits 33-601.736

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: clarify definitions relating to inmate visiting; clarify provisions relating to denial or termination of visits; add provisions concerning relating to falsification of required documentation; clarify responsibilities of central visitation authority staff; and to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Inmate Visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) No change.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) through (10) No change.

(11) “Approved Visitor” refers to any person who is approved by the CVA to visit an inmate and whose approval is documented in the automated inmate visiting record.

(12) through (18) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended.

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the CVA and the inmate to disciplinary action.

(4) through (6) No change.

~~(7) Visitors whose visiting privileges have been denied, suspended or revoked shall be allowed to appeal in writing within 60 days of the date of the notice of denial, suspension or revocation to the Office of the Family Ombudsman for review.~~

~~The Office of the Family Ombudsman shall review the denial, suspension or revocation of the visitor's visiting privileges and respond to the visitor in writing within 60 days of the receipt of the appeal. The Office of the Family Ombudsman shall have the authority to recommend modification of the denial, suspension or revocation to the CVA.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended.

### 33-601.715 Visiting Application Initiation Process.

(1) through (2) No change.

(3) The CVA shall conduct criminal history background checks on ~~all~~ applicants requesting visiting privileges if information on the application indicates that it is prudent to do so.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, 33-601.708, Amended.

### 33-601.717 Visiting Denial.

(1) through (4) No change.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) through (e) No change.

(f) Either the inmate or prospective visitor gave false or misleading information to obtain visiting privileges with in the past six months ~~five years~~; discovery of falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(g) through (l) No change.

(6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, 33-601.707, Amended.

33-601.719 Visiting by Former and Current Department and Contract Employees.

(1) Former Department and Contract Employees. The CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) No change.

(b) During employment the applicant did not have a documented incident of any of the following:

1. through 2. No change.

3. A personal or business relationship with an offender. A personal or business relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

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

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, Amended.

### 33-601.721 Visiting Operations.

(1) through (4) No change.

(5) Inmates shall be required to conduct visits in a separately designated visiting area as determined by the warden, ~~assistant warden~~, or duty warden when visiting in the regular visiting area poses a threat to security, safety, or good order of the institution or any person.

(6) through (11) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended.

### 33-601.723 Visiting Check-In Procedures.

(1) through (3) No change.

(4) All visitors ~~sixteen~~ twelve years of age or older must present a valid form of picture identification for visiting registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual. Signatures are not required if the identification otherwise complies with all other standards of proper identification.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the parent or legal guardian (not an inmate) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. Falsification of a document of guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

~~(6) Upon completion of visitor registration, the approved visitors shall exchange his or her valid identification for a numbered visitor's badge.~~

~~(a) Visitors shall not exchange the issued numbered badge with any non-Department of Corrections personnel.~~

~~(b) An ultra-violent hand stamp will be used as a secondary method of visitor verification. The stamp will be applied and viewed at registration.~~

~~(6)(7)~~ Should a visitor find it necessary to leave the visiting park prior to completion of the visit, the visitor shall not depart until institutional staff have verified the identity of the visitor and the presence and location of the inmate being visited. The visitor will not be allowed reentry unless approved by the shift supervisor or the duty warden. If reentry is approved, the visitor will proceed through the automated visiting record check-in procedure as required in this rule.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended.

### 33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (c) No change.

~~(d) One numbered visitor's badge;~~

~~(d)(e)~~ Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723(6)(7), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (i) renumbered (e) through (h) No change.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended.

### 33-601.726 Visitor Searches.

(1) through (2) No change.

(3) The visitor shall be instructed to sign an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person, and this suspicion is not resolved by a less intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form if a minor is to be searched. Form DC1-803 is incorporated by reference in Rule 33-601.737, F.A.C.

(a) The warden, ~~assistant warden~~, or duty warden must approve strip searches. Approval shall be given only after careful evaluation of the asserted factual grounds that justify the search. The visit shall be denied if the visitor refuses to give written consent to the strip search.

(b) through (5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended.

### 33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) No change.

(b) Visitors are prohibited from using cameras on department property ~~without the express consent of the warden. The warden is authorized to approve camera use on a case-by-case basis when the warden determines that it would not be detrimental to the security and order of the institution.~~

~~1. Visitors shall not photograph any part of the institution's physical structure, buildings, fences, staff, visitors, or inmates.~~

~~2. Areas in which the general public is prohibited from taking photographs shall be clearly posted and identified in the institution's visitor information.~~

(c) through (i) No change.

(j) Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution unless authorization is first obtained from the warden, ~~assistant warden~~, or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. The visitor shall not give cash or currency directly to an inmate.

(k) No change.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended.

### 33-601.729 Denial or Termination of Visits.

(1) A warden, assistant warden, or duty warden shall be authorized to deny or terminate a visit for the following reasons:

(a) through (m) No change.

(2) Before considering denial or termination of a visit in progress due to violation of or failure to comply with any establish rule or procedure, the warden, ~~assistant warden~~ or duty warden shall first attempt less severe alternatives if the violation does not pose an immediate threat to the security and order of the institution, including verbal warnings to the inmate and visitor about improper conduct. If the visit is denied or terminated, the visitor shall be interviewed and a statement recorded by staff prior to exiting the institution if the situation does not pose an immediate threat to the security and order of the institution.

(3) Reconsideration for Visitation.

(a) A visitor denied visiting by the warden, ~~assistant warden~~, or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.

(b) No change.

(4) The warden, ~~assistant warden~~ or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as the inmate can be located. Comments regarding the incident shall be made on the AVR system.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.705, 33-601.707, Amended.

### 33-601.730 Visiting Check-Out Procedures.

(1) through (2) No change.

~~(3) Upon departure from the visiting park, each visitor shall be verified by visitor badge number and shall then proceed to the visitor registration area.~~

~~(4) At the registration area, each visitor shall turn in his or her numbered badge to the officer. The officer shall verify the identity of the visitor by physically comparing the picture identification. The picture identification will be returned to the visitor.~~

~~(5) Additional verification shall be obtained by viewing the ultra-violent stamp on the visitor's hand.~~

(6) through (7) renumbered (3) through (4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended.

### 33-601.731 Revocation or Suspension of Visiting Privileges.

(1) through (8) No change.

(9) Suspension of Visitor's Visiting Privileges.

(a) No change.

(b) A visitor's visiting privileges shall be revoked by the CVA when the visitor:

1. through 5. No change.

6. Evidences intent to harm to staff, inmates or visitors.

(c) Visiting privileges shall be suspended by the CVA for up to two years when the visitor:

1. through 4. No change.

~~5. Evidences intent to do harm to a staff member, visitor or inmate.~~

5.6. No change.

(d) Visitors found in violation of Paragraph Rule 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, Paragraphs 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, Paragraph Rule 33-701.724(9), F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in Subparagraphs Rule 33-601.727(1)(a)-(h), F.A.C. shall have visiting privileges suspended by the CVA supervisor for up to one year.

(10) The warden shall have the discretion to recommend to the CVA supervisor a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident. The warden shall set forth the justification for the length of suspension, if less than the maximum, in the recommendation to the CVA supervisor.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.707, 33-601.708, Amended.

### 33-601.732 Reinstatement of Revoked or Suspended Visiting Privileges.

(1) No change.

(2) The CVA supervisor shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) through (c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended.

### 33-601.733 Visiting – Special Status Inmates.

(1) No change.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden, ~~assistant warden~~ or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.

(b) through (c) No change.

(2) through (5) No change.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.800 33-601.803, F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.704, Amended.

### 33-601.734 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) Disciplinary confinement inmates shall not be permitted visits other than legal visits unless exceptions are made by the warden, ~~assistant warden~~ or duty warden for emergencies.

(2) Protective Management. Inmates shall have a minimum of two hours a week for visiting under the following conditions:

(a) No change.

(b) If a separate facility is not available, the warden; ~~assistant warden~~ or duty warden shall schedule visiting at a time or day different than that for general population inmates.

(c) The warden; ~~assistant warden~~ or duty warden is authorized to limit or deny the visit based upon the degree of threat to the inmate. The warden, assistant warden or duty warden shall determine whether the visit shall be contact or non-contact.

(d) No change.

(3) Administrative Confinement.

(a) Inmates in administrative confinement shall be permitted visits with the approval of the warden; ~~assistant warden~~ or duty warden based on the best interest of all concerned.

(b) No change.

(c) The warden; ~~assistant warden~~ or duty warden shall determine if non-contact visits are appropriate for inmates in administrative confinement status.

(d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.709, Amended

33-601.736 Special Visits.

(1) The warden; ~~assistant warden~~; or duty warden is authorized to approve special visits, impose special conditions for visiting outside of the regular visiting schedule, and to make exceptions to the number of visitors allowed.

(2) through (3) No change.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC6-236 or in writing or by phone by an individual requesting a special visit. The request shall be submitted no less than five workdays in advance of the requested visit. The warden; ~~assistant warden~~ or duty warden shall approve or deny the request by the next working day after receipt. If it can be conclusively established that circumstances prevented the visitor from requesting a special visit within the five-day period, the warden; ~~assistant warden~~; or duty warden shall consider the request for a special visit. The inmate shall be responsible for notifying individuals approved for a special visit.

(5) A visitor who has been denied a special visit by the warden; ~~assistant warden~~ or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden's, assistant warden's or duty warden's decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended

## DEPARTMENT OF ELDER AFFAIRS

### Federal Aging Programs

RULE CHAPTER TITLE: Hospice  
RULE CHAPTER NO.: 58A-2

RULE TITLES: Administration of the Hospice  
Physical Plant Standards  
RULE NOS.: 58A-2.005  
58A-2.0051

PURPOSE AND EFFECT: A new Rule 58A-2.0051 is being developed to provide physical plant standards for hospice facilities as specified in paragraph (i) of Section 400.605, Florida Statutes. Amendment to Rule 58A-2.005, Administration of the Hospice, will be considered if necessary for the same purpose.

SUBJECT AREA TO BE ADDRESSED: Physical plant standards for hospice residential and inpatient facilities and units.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 FS.

IF REQUESTED IN WRITING BY 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: Friday, 1:00 p.m. – 5:00 p.m., December 7, 2001

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

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

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facility and Agency Licensing

RULE CHAPTER TITLE: Minimum Standards for Home  
RULE CHAPTER NO.: 59A-25

Medical Equipment Providers

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including rule reduction, language clarification, and minor changes to conform to changes in the Florida Statute. The rule amendment includes language that is added or changed to clarify that central service centers and distribution centers will be licensed; however, distribution centers that receive orders from the central service center will not be required to pay the \$400 inspection fee since inspections will be done through the central service centers. Language is added that patient and employee records, not stored at the licensed location, shall be made available to AHCA within 48 hours of the time of the survey. Reductions have been made in language to conform to changes in the



Florida Statutes regarding the deletions of abuse background screening. Language has been revised to clarify actions to be taken based on survey findings. The definition of a change of ownership has been deleted because it is already in the Florida Statutes. Language regarding fining providers that submit renewal applications late has been changed to conform to the 90-day time frame established in the Florida Statutes. The proposed rule amendment adds an option of documenting financial ability to operate by completing a financial projection in lieu of a surety bond. Corporations with multiple licensed locations will not need to resubmit proof of financial ability to operate.

**SUBJECT AREA TO BE ADDRESSED:** Minimum Standards for Home Medical Equipment Providers.

**SPECIFIC AUTHORITY:** 400.925, 400.93, 400.931, 400.932, 400.933, 400.934, 400.935 FS.

**LAW IMPLEMENTED** Part X of Chapter 400, 400.92-.957 FS.

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

**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., December 13, 2001

**PLACES:** Capital Circle Office Center, 4030 Esplanade Way, Building 4030, Room 301, Tallahassee, FL; Zora Neale Hurston Building, 400 W. Robinson Street, Room 101C, Orlando, FL; Ruth Bryan Owen Rohde Building, 401 N. W. 2nd Avenue, Room 106, Miami, FL; All 3 places are part of the Suncom Video Conferencing Network; for more information about each place please go to the following website: <http://video.state.fl.us>.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ms. Monteen S. Heikkila, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 204, Tallahassee, FL 32308, (850)414-6010 or [heikkilm@fdhc.state.fl.us](mailto:heikkilm@fdhc.state.fl.us).

If you are going to attend, please respond to the Home Care Unit by fax to Ms. Heikkila, (850)922-5374, send an email to [heikkilm@fdhc.state.fl.us](mailto:heikkilm@fdhc.state.fl.us), or call (850)414-6010 and indicate which of the 3 locations you will be going to attend. The maximum capacity for the Orlando and Miami site is 20 people and for the Tallahassee site 35 people; so please notice us if you plan to attend.

Providers that do not attend may send in any written comments regarding the initial draft rule by December 13, 2001 to Ms. Heikkila at the address shown above or email [heikkilm@fdhc.state.fl.us](mailto:heikkilm@fdhc.state.fl.us).

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Board of Funeral Directors and Embalmers**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Centralized Embalming Facilities	61G8-33.003
Cinerator Facilities	61G8-33.004
Removal Services	61G8-33.005
Refrigeration Facilities	61G8-33.006

**PURPOSE AND EFFECT:** The purpose for the rule development is to provide cross references to procedures relating to identification of human remains at Centralized Embalming Facilities, Cinerator Facilities, Removal Services and Refrigeration Facilities.

**SUBJECT AREA TO BE ADDRESSED:** Cross reference to other rules.

**SPECIFIC AUTHORITY:** 470.005(1), 470.0295(2), 470.0301(2)(h), 470.0315(4) FS.

**LAW IMPLEMENTED:** 470.0301(2)(h), 470.0315(4), 470.025(2) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Building Code Administrators and Inspectors Board**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Voluntary Certification Categories	61G19-6.016

**PURPOSE AND EFFECT:** The Board proposes to update the above rule.

**SUBJECT AREA TO BE ADDRESSED:** Voluntary Certification Categories.

**SPECIFIC AUTHORITY:** 468.606, 468.609(10) FS.

**LAW IMPLEMENTED:** 468.609(10) FS.

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

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

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Building Code Administrators and Inspectors Board**

RULE TITLE: RULE NO.:

One and Two Family Dwelling

Inspector Certification 61G19-6.017

PURPOSE AND EFFECT: The purpose for the development is to provide procedures relating to one and two family dwelling inspector certification.

SUBJECT AREA TO BE ADDRESSED: One and Two Family Dwelling Inspector Certification.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2),(7) FS.

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

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

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Florida Real Estate Appraisal Board**

RULE TITLES: RULE NOS.:

Membership 61J1-1.001

Chairperson 61J1-1.003

Minutes 61J1-1.004

Internal 61J1-1.005

Principal Office 61J1-1.006

Board Member Compensation 61J1-1.007

Authorized Signatures on Final Orders 61J1-1.008

Probable Cause Panel 61J1-1.009

Designation of Official Reporter 61J1-1.011

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to internal organization and operation. The purpose is to amend these rules by revising language relating to a quorum, signing final orders, probable cause panels, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to internal organization and operation.

SPECIFIC AUTHORITY: 455.207, 455.225, 475.614 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.569, 455.205, 455.207, 455.225, 475.613 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Florida Real Estate Appraisal Board**

RULE TITLES: RULE NOS.:

Fees 61J1-2.001

Renewal Period 61J1-2.002

Inactive Renewal 61J1-2.003

Exemption of Spouses of Members of Armed

Forces from Renewal Provisions 61J1-2.004

Inactive Registration 61J1-2.005

Refund of Applicant and License Fees 61J1-2.007

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to registration details and fee structure. The purpose is to amend these rules by revising language relating to the availability of forms, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to registration details and fee structure.

SPECIFIC AUTHORITY: 455.02, 475.614, 455.619 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.02, 455.217, 455.2281, 475.613(2), 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Appraisal Board**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application by Individuals	61J1-3.001
Where to Apply	61J1-3.002
Notice of Denial	61J1-3.003

**PURPOSE AND EFFECT:** The Board is considering amending the above referenced rules relating to application requirements. The purpose is to amend these rules by revising language relating to the availability of forms, and providing consistency and clarification within the existing rules.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rules relating to application requirements. **SPECIFIC AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 120.57, 120.60, 475.613, 475.615, 475.617, 475.624 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Appraisal Board**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Education Requirements	61J1-4.001
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Renewal of Inactive Registrations, Licenses and Certifications	61J1-4.007
Continuing Education for School Instructors	61J1-4.008

**PURPOSE AND EFFECT:** The Board is considering amending the above referenced rules relating to minimum educational requirements. The purpose is to amend these rules by revising language relating to null and void licenses, reactivation, and providing consistency and clarification within the existing rules.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rules relating to minimum educational requirements.

**SPECIFIC AUTHORITY:** 475.614, 475.619 FS.

**LAW IMPLEMENTED:** 475.613, 475.615, 475.617, 475.618, 475.619 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Appraisal Board**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Appraisal Examination Areas of Competency	61J1-5.001

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to examinations. The purpose is to amend these rules by providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to examinations.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Appraisal Board

RULE TITLE:	RULE NO.:
Experience Requirement	61J1-6.001

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to experience requirements. The purpose is to amend these rules by providing for the availability of forms, acceptable experience, experience documentation, and consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to experience requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.617 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Display and Disclosure of Registration, License or Certification Designation	61J1-7.001
Advertising	61J1-7.003
Office	61J1-7.004
Temporary Practice	61J1-7.005
Mailing Address	61J1-7.008
Use of Association Names	61J1-7.009

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to general requirements for operating as an appraiser and appraiser business. The purpose is to amend these rules by providing for the availability of forms, definitions, and consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to general requirements for operating as an appraiser and appraiser business.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.275, 475.622, 475.623, 475.624(2),(3), 475.630 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Florida Real Estate Appraisal Board**

RULE TITLES:	RULE NOS.:
Citation Authority	61J1-8.001
Disciplinary Guidelines	61J1-8.002
Notice of Noncompliance	61J1-8.003
Mediation	61J1-8.004
Revocation	61J1-8.005
Time for Payment of Administrative Fines and Costs	61J1-8.006

**PURPOSE AND EFFECT:** The Board is considering amending the above referenced rules relating to disciplinary guidelines. The purpose is to amend these rules by providing guidelines for additional violations, and by providing for consistency and clarification within the existing rules.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rules relating to disciplinary guidelines.

**SPECIFIC AUTHORITY:** 455.2235, 455.2273, 455.227, 475.614 FS.

**LAW IMPLEMENTED:** 120.695, 455.2235, 455.224, 455.225(3), 455.227, 455.2273, 455.275, 475.614, 475.622, 475.624, 475.626 FS.

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

**TIME AND DATE:** 9:00 a.m. or as soon thereafter as possible, February 5, 2002

**PLACE:** Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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

**DEPARTMENT OF HEALTH****Board of Acupuncture**

RULE TITLE:	RULE NO.:
Unauthorized Practice Fee	64B1-2.016
<b>PURPOSE AND EFFECT:</b> To amend the existing rule to charge the \$5.00 fee in addition to the initial license fee and the license renewal fee each biennium as required by statute.	
<b>SUBJECT AREA TO BE ADDRESSED:</b> Unauthorized practice fee charged to each initial license and renewal license.	

**SPECIFIC AUTHORITY:** 456.065 FS.

**LAW IMPLEMENTED:** 456.065 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH****Board of Acupuncture**

RULE TITLE:	RULE NO.:
Continuing Education Requirements	64B1-7.015
<b>PURPOSE AND EFFECT:</b> To amend the existing rule to address statutory continuing education requirements for medical errors continuing education and to address the continuing education requirements for initial renewal of license.	
<b>SUBJECT AREA TO BE ADDRESSED:</b> Continuing education requirements for renewal of license.	
<b>SPECIFIC AUTHORITY:</b> 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS.	
<b>LAW IMPLEMENTED:</b> 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 FS.	

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH****Board of Acupuncture**

RULE TITLE:	RULE NO.:
Disciplinary Guidelines	64B1-9.001
<b>PURPOSE AND EFFECT:</b> To amend the existing rule to address statutory changes and review of existing rule as to violations and range for penalties.	
<b>SUBJECT AREA TO BE ADDRESSED:</b> Disciplinary Guidelines.	

SPECIFIC AUTHORITY: 456.079(1), 457.104 FS.  
LAW IMPLEMENTED: 456.072, 456.079(3), 457.109 FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Address of Licensee  
RULE NO.: 64B8-40.008  
PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Address of Licensee.  
SPECIFIC AUTHORITY: 456.035, 468.507, 468.514 FS.

LAW IMPLEMENTED: 456.073(1) FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Fees  
RULE NO.: 64B8-41.001  
PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Fees.  
SPECIFIC AUTHORITY: 456.036, 468.507, 468.508 FS.  
LAW IMPLEMENTED: 456.036, 456.065, 468.508 FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Exemption of Spouses of Members or Armed  
RULE NO.: 64B8-42.004  
Forces from License Requirements

PURPOSE AND EFFECT: The purpose for the development is to provide procedures relating to exemption of spouses of members of armed forces from license requirements.

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Members or Armed Forces from License Requirements.

SPECIFIC AUTHORITY: 456.024 FS.

LAW IMPLEMENTED: 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B8-44.003

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.079, 468.517, 468.518(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Medicine

RULE TITLE: Documentation  
RULE NO.: 64B8-44.004

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

SUBJECT AREA TO BE ADDRESSED: Documentation.

SPECIFIC AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 468.503(3),(4),(8),(9), 468.516, 468.518(1)(f),(h),(j),(k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Medicine

RULE TITLE: Citations  
RULE NO.: 64B8-44.005

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.507 FS.

LAW IMPLEMENTED: 456.077, 468.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Medicine

RULE TITLE: General Requirements  
RULE NO.: 64B8-45.001

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

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 456.013(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(8), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

#### DEPARTMENT OF HEALTH

##### Board of Orthotists and Prosthetists

RULE TITLE: Continuing Education Requirements  
RULE NO.: 64B14-5.002

PURPOSE AND EFFECT: The Board proposes to amend an existing rule to allow for additional continuing education providers and to address legislative changes.

SUBJECT AREA TO BE ADDRESSED: Amendment to an existing rule concerning continuing education requirements.

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 468.806 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH****Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Mobile Home, Lodging,  
 Recreational Vehicle Parks,  
 and Recreational Camps 64E-15

RULE TITLE: RULE NO.:

Sewage Disposal 64E-15.004

**PURPOSE AND EFFECT:** The Bureau of Facility Programs in the Division of Environmental Health announces its intent to amend Section 64E-15.004, Sewage Disposal, Florida Administrative Code. The noted rule section does not allow the use of transportable wastewater container units and cassette-type toilets as conveyances from the recreational vehicle or pop-up camper to the sanitary dump station. The Division of Environmental Health staff have reviewed this issue and have concluded that the use of these units should be allowed under specific conditions to facilitate proper disposal of wastewater to the approved sanitary dump station.

**SUBJECT AREA TO BE ADDRESSED:** Subsection 64E-15.004(1), FAC., will be amended to allow the conditional use of transportable wastewater containers and cassette-type toilets. The inclusion of the use of transportable wastewater containers and cassette-type toilets from pop-up campers will facilitate proper disposal of wastewater to approved sanitary dump stations. The Department of Environmental Protection's Division of Parks and Recreation urged the Department of Health to review the prevalent use of disposal containers. The proposed language not only provides for the use of these transportable wastewater containers, but also establishes responsibility and a procedure for disinfection of any spillage. The department also seeks to amend subsection 64E-15.004(2), FAC. The amendment would replace the term "readily removable", as it applies to mobile home waste line connectors, with the term "rigid."

**SPECIFIC AUTHORITY:** 513.012 FS.**LAW IMPLEMENTED:** 513.08 FS.

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

**TIME AND DATE:** 1:00 p.m., December 11, 2001**PLACE:** Conference Room 240P, 4042 Bald Cypress Way, Tallahassee, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Ken Widergren, Environmental Specialist, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453, Fax (850)487-0864

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

**DEPARTMENT OF HEALTH****Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Body Piercing 64E-19

**PURPOSE AND EFFECT:** The purpose of this rule development is to incorporate standards to fulfill the intent of Section 381.0075, F.S. The incorporated language will establish required knowledge, experience, and credentials for trainers.

**SUBJECT AREA TO BE ADDRESSED:** The subject to be addressed is the formal training of body piercers and salon operators.

**SPECIFIC AUTHORITY:** 381.0075(10) FS.**LAW IMPLEMENTED:** 381.0075(10),(11) FS.

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

**TIME AND DATE:** 10:00 a.m., Friday, December 7, 2001**PLACE:** Conference Room 240P, Building 4042, Capital Circle Office Complex, 4042 Bald Cypress Way, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES****Economic Self Sufficiency Program**

RULE TITLES: RULE NOS.:

Rights and Responsibilities of Applicants  
 and Recipients 65A-2.022

Eligibility Factors Other Than Need 65A-2.033

Amount of Optional State  
 Supplementation Payments 65A-2.036

**PURPOSE AND EFFECT:** These rule amendments implement OSS redesign for residents of Adult Family Care Homes (AFCH). OSS redesign allows enhanced payments through Medicaid Assistive Care Services (ACS) if the facility becomes enrolled as a qualified Medicaid Assistive Care Services provider.

**SUBJECT AREA TO BE ADDRESSED:** For residents of AFCHs that are OSS eligible, the payment will provide for room and board. OSS eligible AFCH residents who are not Medicaid eligible as of January 1, 2002 will be budgeted under OSS standards. Eligibility standards and base provider rates will be changed for AFCHs.



SPECIFIC AUTHORITY: 409.212(7) FS.

LAW IMPLEMENTED: 409.212 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., December 10, 2001

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

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

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

## Section II Proposed Rules

### DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-24.001
Definitions	12-24.002
General Requirements	12-24.003
Payor Information	12-24.004
Methods of Electronic Funds Transfer	12-24.005
Means of Communication to Report	
Payment Information	12-24.006
Payment Transmission Errors	12-24.007
Procedures for Payment	12-24.008
Due Date; General Provisions	12-24.009
General Administrative Provisions	12-24.010
Scope	12-24.021
Recordkeeping Requirements – General	12-24.023
Recordkeeping Requirements –	
Machine-Sensible Records	12-24.024
Records Maintenance Requirements	12-24.025
Access to Machine-Sensible Records	12-24.026
Taxpayer Responsibility and Discretionary	
Authority	12-24.027
Alternative Storage Media	12-24.028
Effect of Hardcopy Recordkeeping	
Requirements	12-24.029
Records Retention – Time Period	12-24.030

PURPOSE AND EFFECT: The proposed amendments to these rules update the procedures taxpayers must use to remit tax payments by electronic funds transfer (EFT) and to submit returns using electronic data interchange (EDI) methods. They also clarify that dealers of communications services who are required to remit taxes and submit returns by Chapter 202, F.S., are subject to EFT and EDI procedures.

SUMMARY: A) The proposed amendments to Rule 12-24.001, F.A.C. (Scope) clarify that the Department's rules concerning electronic funds transfer (EFT) and electronic data interchange (EDI) apply to the taxes imposed on dealers of communications services pursuant to chapter 202, F.S. B) The proposed changes to Rule 12-24.002, F.A.C. (Definitions) revise and update the taxes subject to EFT. C) The proposed revisions to Rule 12-24.003, F.A.C. (General Requirements) delete obsolete provisions concerning taxpayers subject to EFT requirements; and, specify the conditions under which dealers of communications services must file the taxes imposed by chapter 202, F.S., by EFT. D) The suggested amendments to Rule 12-24.004, F.A.C. (Payor Information) revise references to the forms used by taxpayers subject to EFT, eliminate references to the specific information to be provided on such forms, and clarify how forms can be obtained. E) The suggested changes to Rule 12-24.005, F.A.C. (Methods of Electronic Funds Transfer) update the name and address of the Department office responsible for EFT procedures and delete an unnecessary statement concerning the ACH credit method of EFT payment. F) The suggested revisions to Rule 12-24.006, F.A.C. (Means of Communication to Report Payment Information) ensure that new forms of technology can be employed for EFT purposes. G) The recommended amendments to Rule 12-24.007, F.A.C. (Payment Transmission Errors) make technical changes to conform this rule to the changes in other rules. H) The recommended changes to Rule 12-24.008, F.A.C. (Procedures for Payment) revise the payment information taxpayers must include when they initiate an EFT payment using the ACH debit method; clarify the examples used to illustrate how an EFT ACH debit transaction is correctly submitted; explain the information that must be submitted if the taxpayer is granted permission to use the ACH credit method; revise the example explaining how an EFT ACH credit method is submitted; and, explain how and under what circumstances a taxpayer may submit a tax payment by wire transfer. I) The recommended revisions to Rule 12-24.009, F.A.C. (Due Date; General Provisions) expand the discussion for the compromise or settlement of tax, interest, and penalties imposed for late EFT payments; require taxpayer to submit a written explanation of why an EFT payment is not timely; and explain that pursuant to ss. 202.28 and 202.30, failure by a dealer of communications services to properly remit the taxes imposed by chapter 202, F.S., to the Department are not authorized to claim the dealer collection allowance. J) The proposed amendments to Rule 12-24.010, F.A.C. (General Administrative Provisions) update the name and address of the Department office responsible for EFT procedures and removes a statement that the Department will accept certain faxes in lieu of an original, since this provision has been moved to Rule 12-24.004, F.A.C. K) The proposed changes to Rule 12-24.021, F.A.C. (Scope) are technical. L) Rule 12-24.023, F.A.C. (Recordkeeping Requirements – General) requires taxpayers to make records available upon the