

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLES:	RULE NOS.:
Eligibility for Late Registration for Overseas Citizens	1S-2.029
Electronic Transmission of Absentee Ballots	1S-2.030

PURPOSE AND EFFECT: To establish standards for the topic titles shown above, in compliance with the requirements of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001."

SUBJECT AREA TO BE ADDRESSED: Procedural requirements and standards for implementation of the provisions of Chapter 2001-40, Laws of Florida.

SPECIFIC AUTHORITY: 97.0555, 101.697 FS.

LAW IMPLEMENTED: 97.0555, 101.697 FS.

TIME AND DATE: 2:00 p.m. – 4:00 p.m., January 3, 2002

PLACE: The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399 (Please note that the entrance is now located on Bloxham Street)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Amy Tuck, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, atuck@mail.dos.state.fl.us, (850)245-6200

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

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE:	RULE NO.:
Reports to the Department	3C-110.045

PURPOSE AND EFFECT: The purpose and effect of this amendment is to implement Subsection 655.045(2), F.S., which requires state financial institutions to submit periodic reports to the Department.

SUBJECT AREA TO BE ADDRESSED: Credit union quarterly reports.

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 655.045(2) 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., January 14, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: 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-110.045 Reports to the Department.

The Department shall require a quarterly report of condition; to be prepared as of the close of business on March 31, June 30, September 30, and December 31 on Form NCUA 5300 (effective 12/01) DBF-C-68, Quarterly Report of Condition (revised 10/95), which is hereby incorporated by reference. Such reports shall be due no later than April 22, July 22, October 22, and January 22, respectively, of each year. If any due date falls on a weekend or holiday, a quarterly report is timely filed if it is postmarked or electronically transmitted no later than the next business day. An administrative late fee of \$100.00 per day shall be levied against a credit union pursuant to Section 655.045(2)(b), Florida Statutes, for reports not timely filed unless the administrative fine is waived by the Department for good cause, such as incidental and isolated clerical errors or omissions. ~~Each report shall contain a true and accurate balance sheet, income statement, and delinquent loan summary and shall be signed by the chief executive officer and the individual preparing the report.~~

Specific Authority ~~420.53(1)(b)~~, 655.012(3) FS. Law Implemented 655.045(2) FS. History—New 10-31-81, Formerly 3C-30.31, 3C-30.031, Amended 10-8-95,_____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES:	RULE NOS.:
Application for Certificate of Authority	3F-5.002
Application for Transfer of a Certificate of Authority	3F-5.0022
Procedure for Licensing Existing Cemeteries	3F-5.005
Procedure for Licensing a New Cemetery	3F-5.004
Procedure for Licensing Transferred Cemeteries	3F-5.006
Conversion Procedures	3F-5.007
Regulatory Standards for Evaluating Applications by the Board	3F-5.009

PURPOSE AND EFFECT: The Board proposes to update these rules to incorporate updated forms and remove or replace obsolete language.

SUBJECT AREA TO BE ADDRESSED: Application for Certificate of Authority, Application for Transfer of a Certificate of Authority, Procedure for Licensing a New Cemetery, Procedure for Licensing Transferred Cemeteries, Conversion Procedures, and Regulatory Standards for Evaluating Applications by the Board.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.201 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Pesticides RULE CHAPTER NO.: 5E-2

RULE TITLE: Restrictions on Use and Sale of Aldicarb; RULE NO.:

Permit Requirements and Procedures; Department Approval; Records; Penalties 5E-2.028

PURPOSE AND EFFECT: The purpose of the proposed rule change is to update procedures for obtaining approval to apply aldicarb (Temik) in Florida, making available an electronic filing process and deleting the need for applicators to file amendments. The rule change will also update forms and addresses and change the name of the process from a notification of intent to apply aldicarb to an aldicarb permitting process.

SUBJECT AREA TO BE ADDRESSED: Aldicarb, Temik, notification of intent to apply aldicarb, permits.

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 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: 9:30 a.m., January 15, 2002

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; ~~Permit Reporting~~ Requirements and Procedures; Department Approval; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following ~~additional~~ restrictions:

(a) Aldicarb shall be applied only during the time period for which written authorization is issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at the site for which written authorization is issued by the department by means of an aldicarb permit.

(c) No change.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of subsection (1)(e). Aldicarb shall not be used on Florida citrus within 1000 feet of any well when any soil series within the intended site of application is identified by the U.S.D.A. Soil Conservation Service as highly permeable well-drained sand, unless the applicator furnishes the department with construction documentation confirming that the well is properly cased to a depth of 100 feet below ground surface or a minimum of 30 feet below the water table. The 1000-foot setback requirement shall not apply to any wells that meet the provisions of subsection (1)(e). Soils series which have been identified by the U.S.D.A. Soil Conservation Service as highly permeable well-drained sand include, but are not limited to, the following:

- Adamsville
- Archbold
- Astatula
- Candler
- Cassia
- Lake
- Neilhurst
- Orsino
- Palm Beach
- Paola
- Satellite
- St. Lucie
- Tavares

Well construction documentation shall consist of either a copy of the well completion report ~~construction permit~~ issued by the appropriate water management district or a statement certified as to accuracy by a licensed well contractor.

(e) through (i) No change.

(2) Reporting Requirements and Procedures.

(a) At least 10 days prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. file the original and 3 copies of a Notice of Intended Application of Aldicarb, Form DACS-130317, revised 9/97, hereby adopted and incorporated herein by reference. Applications shall be filed either electronically on the web site www.temikent.com or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, to the address listed on the form. Applications filed in hard copy shall be submitted with one original plus three copies. For the purposes of this rule, filing means received by the department. Copies of the form may be obtained from the Pesticide Certification Office, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(b) Licensed applicators conducting research with aldicarb and making application to no more than 10 acres per site shall be exempt from the 10-day pre-application notification requirement, provided ~~that~~ a signed statement attesting the application is for research purposes is filed with the permit application Form DACS-130317 and provided a permit is obtained before the application is made.

(c)(b) Each intended application site shall be listed as a separate entry on the permit application or on a separate form. Application sites situated in more than one township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section. For purposes of this rule, contiguous parcels of property lying within more than one section of a township may be identified as a single entry, using the section number in which the larger portion of the property is located.

(d) Form DACS-13317, Application for Permit to Apply Aldicarb (Temik), revised 12/01, hereby adopted and incorporated by reference, may be obtained from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(e) ~~A separate Form DACS-130317 shall be filed for each intended application site under different ownership or management from other reported application sites.~~

(3) Amendments to Notice of Intended Application:

(a) ~~When there is a change in the licensed applicator for a particular site, the original applicator shall file an original and 3 copies of Form DACS-130309, revised 9/97, hereby adopted and incorporated herein by reference, canceling the original notice of application for that site. The newly designated applicator shall also file an original and 3 copies of Form DACS-130309. Copies of Form DACS-130309 may be obtained from the Pesticide Certification Office, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The department~~

~~shall not issue authorization to the newly designated applicator until all the requirements of this chapter and chapter 5E-9, F.A.C., have been met.~~

(b) ~~The applicator shall file an original and 3 copies of Form DACS-130309 when the intended application of aldicarb is cancelled for any site. The form shall be filed no later than 30 days after the intended application period. In this event, the applicator shall not apply aldicarb to that site unless further written authorization is issued by the department.~~

(e) ~~If any information other than that described in paragraphs (a) and (b) of this subsection submitted to the department on Forms DACS-130317 or DACS-130309 shall change, the applicator shall file an original and 3 copies of Form DACS-130309 reflecting the corrected information no later than 30 days after the authorized application period.~~

(3)(4) Department Authorization; Permit.

(a) No person shall apply aldicarb in this state unless written authorization has been issued by the department by means of an aldicarb permit.

(b) No person shall apply aldicarb in this state to any site for at least 10 days after an aldicarb permit has been issued DACS-130317 has been filed for that site. This subsection shall not apply to licensed applicators who apply aldicarb for research purposes to 10 acres or less per site and who otherwise meet the requirements set forth in this chapter.

(c) The department shall designate on the permit application Form DACS-130317 the dates during which aldicarb is approved for application in this state. The time period authorized for application shall not exceed six (6) months.

(d) Department authorization is not transferable.

(e) ~~For purposes of this section, filing means received by the department.~~

(4)(5) Records. Each applicator shall maintain a copy of all aldicarb permits approved by forms filed with the department for by that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site www.temikint.com, upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

(5)(6) Penalties. The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S., and subject to the penalties described therein.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History—New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLES: **RULE NOS.:**
 President 6D-4.002
 Business Manager 6D-4.003

PURPOSE AND EFFECT: These rules establish the responsibilities of the President and the Business Manager of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Amendment of language in the President’s role to bring it in concert with other Board of Trustees rules. Clarification of areas of supervision for the Business Manager.

SPECIFIC AUTHORITY: 242.331(3) FS.

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

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

TIME AND DATE: 9:00 a.m., January 26, 2002

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

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

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: **RULE NO.:**
 Food Service 6D-8.004

PURPOSE AND EFFECT: This rule establishes policies and procedures for the Food Service Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Policies and Procedures Manual of the Food Service Department of the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 242.331(3) FS.

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

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

TIME AND DATE: 9:00 a.m., January 26, 2002

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

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

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

DEPARTMENT OF CORRECTIONS

RULE TITLES: **RULE NOS.:**
 Staff Housing – Definitions 33-208.501
 Criteria for Assignment to Staff Housing 33-208.504
 Staff Housing – Rent and Utilities 33-208.505
 Staff Housing Agreement Form 33-208.506

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to correct staff titles responsible for making staff housing decisions, revise the list of staff to receive priority assignment to staff housing, clarify the process for approval of perquisites, and to revise the staff housing agreement form.

SUBJECT AREA TO BE ADDRESSED: Staff Housing.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 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:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

- (1) through (6) No change.
- (7) “Approving Authority”

(a) For institutions means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, Formerly 33-602.501, Amended 8-16-00, _____.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

- (1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be

allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

1. Warden.
2. Assistant Warden.
3. Chief of Security ~~Correctional Officer~~.

4. Licensed Medical Representative, who is either a ~~Physician or Medical Doctor, Registered Nurse or Correctional Medical Technician-Certified~~.

5. Maintenance Representative, who is qualified to respond to varied maintenance emergencies.

6. Fire Chief or Firefighter Supervisor, where such position is authorized.

7. ~~Senior or Supervising Chaplain Food Service Director~~.

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

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on the staff housing agreement, Form DC2-808A.

(c) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, 9-5-89, Formerly 33-26.004, Formerly 33-602.504, Amended 8-16-00, _____.

33-208.505 Staff Housing – Rent and Utilities.

The Department of Management Services (DMS) is required by law to approve all prerequisites and sales of goods and services, including staff housing and utilities, effective each July 1st. Once initially approved by DMS, each July 1st the chief of staff shall approve all perquisites including staff housing and utilities. Any rent or utility charges approved for the Department of Corrections at fixed rates shall be paid by payroll deduction.

Specific Authority 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. Law Implemented 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. History--New 9-1-88, Formerly 33-26.005, Formerly 33-602.505, Amended 8-16-00, _____.

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC2-808A, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~August 16, 2000~~.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, Formerly 33-602.506, Amended 8-16-00, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Legal Documents and Legal Mail	33-210.102
Privileged Mail	33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the process for handling legal and privileged mail to provide for inspection of all mail in the inmate's presence to ensure that it contains no contraband.

SUBJECT AREA TO BE ADDRESSED: Legal Documents and Legal Mail; Privileged Mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (5) No change.

(6) Processing of Legal Mail.

~~(a) All outgoing and incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no contraband. forwarded unopened when it can be determined from the envelope that the correspondence is legal mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:~~

~~(a) opened for inspection in the presence of the inmate.~~

Only the signature and letterhead may be read, ~~or~~

~~(b) held for a reasonable time pending verification that it was sent by or is properly addressed to a person or agency listed in subsection (2). Mail identified as being a communication from an attorney to a client will not be opened unless articles other than mail are detected therein.~~

(e) If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with

subsection (6) of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (2) of this rule. If the outgoing mail contains contraband or is not legal mail, the inmate shall be subject to disciplinary action.

(7) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended _____.

33-210.103 Privileged Mail.

(1) No change.

(2) Processing of Privileged Mail.

~~(a) All outgoing and incoming privileged mail shall be opened in the presence of the inmate to determine forwarded unopened when it can be determined from the envelope that the correspondence is privileged mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:~~

~~(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read, or~~

~~(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a public official, a governmental agency or a member of the news media. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (2) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.~~

(b) Inmates shall present all outgoing privileged mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is privileged mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (1) of this rule. If the outgoing mail contains contraband or is not privileged mail, the inmate shall be subject to disciplinary action.

(3) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Youthful Offender Program Participation
 RULE NO.: 33-601.226

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to clarify the circumstances under which an inmate is ineligible to receive consideration for a sentence modification recommendation.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program Participation.

SPECIFIC AUTHORITY: 958.11 FS.

LAW IMPLEMENTED: 958.11, 958.12 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:

33-601.226 Youthful Offender Program Participation.

(1) through (2) No change.

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in s. 958.04(2)(d), F.S.

(a) After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. through 3. No change.

4. Work assignments ~~which would assist the youthful offender in obtaining future employment;~~

5. through 9. No change.

(b) through (c) No change.

(d) One or more of the following will render the inmate ineligible for consideration of a sentence modification to the court:

1. Conviction for murder, attempted murder, or an offense resulting in a death;

2. Conviction for sexual battery pursuant to s. 794.011, F.S.;

3. Conviction for kidnapping pursuant to s. 787.01, F.S.;

- 4. Conviction for carjacking pursuant to s. 812.133, F.S.;
- 5. Conviction for domestic violence pursuant to s. 741.28, F.S.;
- 6. Conviction for home invasion robbery pursuant to s. 812.135, F.S.;
- 7. Sentenced as a habitual offender pursuant to s. 775.084, F.S.; or
- 8. Currently serving mandatory portion of a sentence pursuant to s. 775.082, F.S.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended _____.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLES:	RULE NOS.:
Cancellation of Workers' Compensation	
Insurance by an Insurer	38F-6.008
Forms and Instructions	38F-6.009
Policy Information Filing Requirements for Insurers	38F-6.014
Definitions	38F-6.016

PURPOSE AND EFFECT: Rule 38F-6.008 is being amended to require an insurer to file workers' compensation insurance policy cancellation notices electronically. Amendments to Rule 38F-6.009 eliminate certain paper forms. Rule 38F-6.014 is being amended to mandate electronic filing of workers' compensation insurance policy information effective March 1, 2002. Rule 38F-6.014 is also being amended to eliminate the penalty provisions associated with the filing of paper forms. Rule 38F-6.016 provides definitions.

SUBJECT AREA TO BE ADDRESSED: Electronic filing requirements for workers' compensation policy information submitted pursuant to these rules.

SPECIFIC AUTHORITY: 440.05, 440.05(9), 440.10, 440.42(2),(3), 440.185(7),(9), 440.591, 440.593 FS.

LAW IMPLEMENTED: 440.05, 440.103, 440.42(3), 440.185(7),(9), 440.38(2), 440.42(2), 440.593 FS.

THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Philip Wilcox, Investigations Manager, Bureau of Compliance, Suite 209, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, FL 32399-2189, phone number (850)488-2333, Ext. 173

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

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Electronic Data Interchange (EDI) Technical Requirements	38F-56
RULE TITLES:	RULE NOS.:
EDI Forms and Instructions	38F-56.001
Definitions	38F-56.002
Mandate of Proof of Coverage (POC) EDI	38F-56.100
Technical Requirements for (POC) EDI Transactions	38F-56.110

PURPOSE AND EFFECT: Rule Chapter 38F-56 is being created to identify the technical requirements for filing workers' compensation forms via Electronic Data Interchange (EDI). Rule 38F-56.001 is being created to identify the forms required in this Rule Chapter. Rule 38F-56.002 is being created to define the terms used in this rule section. Rule 38F-56.100 is being created to mandate electronic filing of workers' compensation proof of coverage (POC) information effective March 1, 2002. Rule 38F-56.110 is being created to identify the technical filing requirements for electronic POC transactions.

SUBJECT AREA TO BE ADDRESSED: Electronic filing requirements for workers' compensation policy and claims information submitted to the Division pursuant to these rules.

SPECIFIC AUTHORITY: 440.591, 440.593 FS.

LAW IMPLEMENTED: 440.593 FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED NOT TO BE NECESSARY BY THE SECRETARY OF THE AGENCY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Yon, W.C. Administrator, Bureau of Information Management, Suite 212, Forrest Building, 2728 Centerview Dr., Tallahassee, FL 32399-0685, phone number (850)488-3030, Ext. 129

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permits	40B-400
RULE TITLES:	RULE NOS.:
Formal Determination	40B-400.046
Exemptions	40B-400.051

Publications and Agreements Incorporated
 by Reference 40B-400.091
 Limiting Conditions 40B-400.115
 Variances 40B-400.191
 General Permit to the Department to

Conduct Minor Activities 40B-400.483
PURPOSE AND EFFECT: The purpose and effect of the proposed amendments are to repeal and amend District rules which were listed by the District as unauthorized in whole or in part pursuant to Section 120.536, F.S.; respond to objections of the Joint Administrative Procedures Committee identifying language that is nonspecific; and clarify the authority for certain forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Chapter 40B-400 addresses environmental resource permitting including noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the District. Specifically, the proposed amendments: make grammatical and typographical corrections (40B-400.046(7)(b), 40B-400.483(1)); specify that to be exempt from the requirement of a permit, certain insect control impoundment dikes must be connected to tidally influenced waters during the period from September 1 to February 28 (40B-400.051(2)(e)); clarify permit exemptions for installation, replacement or repairs associated with certain piers, docks and docking facilities (40E-400.051(1)(f) and (g)); delete language which excludes the exemption of construction of vertical seawalls in estuaries or lagoons unless the construction is within an existing man-made canal where the shoreline is currently occupied by vertical seawalls (40B-400.051(2)(k)); delete language that requires restoration of a seawall or riprap in accordance with the criteria of 373.414(5), F.S. (40B-400.051(2)(l) and (m)); delete an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission (40B-400.051(2)(s)); delete Governing Board option to waive or modify certain general conditions issued pursuant to this chapter and Chapter 40B-4 (40B-400.115(1)); provide reference citations for certain forms (40B-400.091 and 40B-400.115(1)(j)); require that the Governing Board impose project-specific conditions to achieve District objectives (40B-400.115(2)); repeal the Governing Board authority to grant variances from the provisions of 373.414 and 403.201, F.S. (40B-400.191(1)).

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.414, 373.415, 373.118, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) 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: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

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

RULE TITLE: Administration of the Hospice
 RULE NO.: 58A-2.005

PURPOSE AND EFFECT: The proposed rule 58A-2.0051 will provide physical plant standards for hospice facilities as specified in paragraph (i) of section 400.605, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Physical Plant Standards.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 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: 1:00 p.m. – 4:00 p.m., Friday, February 15, 2002

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

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, 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

Medicaid

RULE TITLE: Home and Community-Based Services Waivers
 RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2001, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(12), 409.912(7) 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. – 12:00 Noon, January 14, 2002

PLACE: AHCA, Conference Room E, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathryn Stephens, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)921-4464

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 59G-8.200 follows. See Florida Administrative Code for present text.)

59G-8.200 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Services Waiver – General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2001, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, until required to use HCFA-1500, which is incorporated by reference, in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

(a) ~~Program Summary. This program provides HCB waiver services to recipients with developmental disabilities who are clients of the Department of Health and Rehabilitative Services (HRS) developmental services (DS) program, and who are eligible for admission to an intermediate care facility for the mentally retarded developmentally disabled (ICF/MR-DD). The recipients have elected to receive services in the community rather than in an ICF/MR-DD.~~

~~(b) Covered Services and Provider Qualifications. Providers of the DS waiver services must be certified by the HRS DS program in each district where it applies to provide services. Additional provider requirements are noted below by the respective service:~~

~~1. Adult Day Training and Child Day Training. Agencies or centers providing these services must be designated by the DS program as adult day training centers or child day training centers and must be certified by DS.~~

~~2. Behavioral Analysis Services. Providers must be psychologists licensed in accordance with Chapter 490, F.S.; clinical social workers, marriage and family therapists, or mental health counselors licensed in accordance with Chapter 491, F.S.; or providers certified by the HRS DS behavior analysis certification program as having a Master's degree in behavior analysis, health or human services, or education.~~

~~3. Chore Services. Providers must have at least one year of experience directly related to the area of work they will be performing. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.~~

~~4. Companion Services. Private vendors must be registered as a "companion" or "sitter" with the Agency in accordance with s. 400.509, F.S., and Rule 59A-8, F.A.C.~~

~~5. Environmental Modification. Providers must be licensed contractors, electricians, plumbers, carpenters, handymen or medical supply companies. Contractors and electricians will be licensed in accordance with Chapter 489, F.S.; medical supply companies will be licensed in accordance with Chapter 205, F.S.; and plumbers will be licensed in accordance with Chapter 553, F.S., by the Department of Business and Professional Regulation. Handymen shall have experience in providing the required service and shall be licensed according to local community requirements.~~

~~6. Homemaker. Providers must be registered as a "homemaker" with the Agency in accordance with s. 400.509, F.S., and Chapter 59A-8, F.A.C.~~

~~7. Non-Residential Support Services. Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or childcare setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.~~

~~8. Occupational Therapy. Providers must be occupational therapists or occupational therapy aids licensed under Chapter 468, Part III, F.S.~~

~~9. Personal Care Assistance. These services are provided pursuant to the requirements in Chapter 393, F.S. Providers must be employees of Medicaid participating home health agencies or individuals with at least one year of experience working in a medical, psychiatric, nursing or child care setting or in working with developmentally disabled persons. College,~~

or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

10. ~~Personal Emergency Response Systems.~~ Vendors of this service must be licensed by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S.

11. ~~Physical Therapy.~~ Providers must be licensed as physical therapists or physical therapist assistants, either independently or as employees of licensed and Medicaid-participating home health agencies. Physical therapists and physical therapist assistants must be licensed under Chapter 486, F.S., and home health agencies must be licensed under Chapter 400, F.S.

12. ~~Private Duty Nursing.~~ Providers must be licensed and Medicaid-participating home health agencies or licensed nurses. Individual nurses must be licensed in accordance with Chapter 464, F.S.; home health agencies must be licensed under Chapter 400, F.S.

13. ~~Psychological Assessment Services.~~ These services must be provided by a psychologist licensed under Chapter 490, F.S.

14. ~~Residential Habilitation.~~ Providers must be group home facilities or foster care facilities licensed under Chapter 393 or Chapter 400, F.S., and Chapter 10F-6, F.A.C. Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

15. ~~Respite.~~ Agencies providing respite care services must be home health agencies, group homes, assisted living facilities (ALF's), nursing registries, or independent vendors. Home health agencies must be Medicaid certified and licensed in accordance with Chapter 400, F.S. Group homes must be licensed in accordance with Chapter 393, F.S. The ALF's must be licensed in accordance with Chapter 400, F.S. Nurses must be licensed in accordance with Chapter 464, F.S. Aids providing respite services must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

16. ~~Skilled Nursing Services.~~ Providers must be licensed home health agencies, or independent licensed nurses. Individual nurse providers must be licensed in accordance with Chapter 464, F.S. Home health agencies must be licensed under Chapter 400, F.S., and Medicaid certified.

17. ~~Special Medical Equipment and Supplies.~~ Providers must be medical supply companies, licensed pharmacies or independent vendors. Medical supply companies and

independent vendors must be licensed under Chapter 205, F.S.; pharmacies must be licensed under Chapter 465, F.S. Supplies and equipment will be purchased from vendors based on availability and best price.

18. ~~Special Medical Home Care.~~ Providers must be licensed group homes employing registered nurses, licensed practical nurses and nurses aides. The group home must be licensed in accordance with Chapter 393, F.S. Registered nurses and licensed practical nurses must be licensed in accordance with Chapter 464, F.S. Nurse's aides must work under the supervision of either a registered nurse or a licensed practical nurse.

19. ~~Speech and Language Therapy.~~ Providers must be licensed as speech pathologists, either independent or as employees of licensed and Medicaid-participating home health agencies. Speech pathologists and speech therapy assistants must be licensed under Chapter 468, Part I, F.S.; home health agencies must be Medicaid certified and licensed under Chapter 400, F.S.

20. ~~Support Coordination (also known as case management).~~ Support coordinators must have a baccalaureate degree from an accredited college or university and have two years of professional experience in developmental disabilities, mental health, counseling, social work, guidance, or health and rehabilitative services. A master's degree can substitute for one year of the required experience. Within 120 days of assuming support coordination functions, support coordinators must complete the required support coordination training program provided by the Department's DS program.

21. ~~Transportation.~~ Providers of private autos, wheelchair vans, buses, and taxis must be licensed under Chapter 322, F.S., and meet Department of Highway Safety and Motor Vehicles rules for operation.

(e) ~~Recipient Eligibility~~

1. ~~Developmental Services waiver services are available only to individuals who are not residing in an institution or an ICF/MR-DD, who are financially eligible for Medicaid in accordance with Chapter 10C-8, F.A.C., who are clients of developmental services, and who meet the level of care criteria for an ICF/MR-DD.~~

2. ~~Recipients determined financially eligible for DS waiver services must also meet admission criteria for ICF/MR-DD services as defined in Section 59G-4.170, F.A.C.~~

(d) ~~Provider Enrollment.~~ Prospective providers of DS waiver services will submit a completed DS provider application, Medicaid Provider Enrollment Application, and a Medicaid Non-Institutional Technical and Professional Agreement to the DS program in the district where the provider intends to provide services. When the prospective provider is certified by DS, the district DS office forwards the completed Medicaid forms together with the DS certification to the Medicaid fiscal agent.

(e) ~~Program Operations. The HCB services program under this waiver shall comply with the standards established in Section 10F-13, F.A.C.~~

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Procedures for Operation	61B-36.001
Notice of Change in Land Use	61B-36.002
Claims Procedure	61B-36.003
Approved Forms	61B-36.004

PURPOSE AND EFFECT: The purpose for the development is to provide procedures for the operation of the Florida Mobile Home Relocation Corporation and the process for making and paying relocation expense claims to mobile home owners who are evicted due to a change in land use pursuant to Section 723.061, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Mobile Home Relocation Corporation operating procedures and payment of relocation expense claims to mobile home owners evicted due to a change in land use pursuant to Section 723.061, F.S.

SPECIFIC AUTHORITY: 723.0611, 723.0612 FS.

LAW IMPLEMENTED: 723.0611, 723.0612 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE BOARD OF DIRECTORS, A RULE DEVELOPMENT WORKSHOP WILL BE HELD IN CONJUNCTION WITH THE BOARD OF DIRECTORS MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Wednesday, January 16, 2002

PLACE: City of Clearwater Commission Chambers, 112 S. Osceola Avenue, Clearwater, Florida 33756

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, 1435 East Piedmont Drive, Suite 201-B, Tallahassee, Florida 32308, (850)385-8556

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Address of Licensee	64B8-50.008

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

SUBJECT AREA TO BE ADDRESSED: Address of Licensee.

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 456.035 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, Electrolysis 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:	RULE NO.:
Rule Governing Licensure and Inspection of Electrology Facilities	64B8-51.006

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

SUBJECT AREA TO BE ADDRESSED: Rule Governing Licensure and Inspection of Electrology Facilities.

SPECIFIC AUTHORITY: 456.037, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 478.49, 456.037(2),(3),(5), 478.51 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, Electrolysis 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 TITLES:	RULE NOS.:
Licensure Without Examination Fees	64B14-2.001
Application, Examination and Initial Licensure Fees	64B14-2.0015
Biennial Renewal Fee	64B14-2.002
Delinquent License Fee	64B14-2.003
Reactivation Fee	64B14-2.004
Change of Status Fee	64B14-2.005
Fees for Licensure by Examination	64B14-2.014

PURPOSE AND EFFECT: The Board proposes an amendment to existing rules increasing the fees for application for license, initial licensure, renewal of license, and reactivation of license. SUBJECT AREA TO BE ADDRESSED: License and application fees.

SPECIFIC AUTHORITY: 456.004(5), 456.013(2), 456.025(1),(5), 456.036(3), 468.802, 468.803(2), 468.805(4), 468.806(1) FS.

LAW IMPLEMENTED: 456.004(5), 456.013(2), 456.025(1),(5), 456.036(3), 468.803(2), 468.805(4), 468.806(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 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

Board of Orthotists and Prosthetists

RULE TITLE: Citations RULE NO.: 64B14-7.004

PURPOSE AND EFFECT: The Board proposes an amendment to an existing rule setting forth violations that may be resolved with a citation.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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 DRAFT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations RULE NO.: 1S-5.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is update the current rule that establishes minimum standards for hardware and software for electronic and electromechanical voting systems pursuant to section 101.015(2), Florida Statutes.

SUMMARY: The rule provides for adoption of a new release of the Florida Voting Systems Standards, Form DS-DE-101, eff.12/01.

The new version of the standards, Form DS-DE-101, eff.12/01; the prior version Form DS-DE-101, eff. 7/98; and a marked-up draft showing changes between the two versions of the form may be found on the department's web site at: <http://election.dos.state.fl.us/votingsystems/fvss.html>

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: 101.015 FS.

LAW IMPLEMENTED: 101.015 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:

TIME AND DATE: 1:00 p.m., January 23, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1721/25, 325 W. Gaines Street, Tallahassee, FL 32301

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft, (850)245-6220, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Craft, Division of Elections, 107 West Gaines Street, Room 231, Tallahassee, Florida 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.001 Voting System Equipment Regulations.

The Department of State, Division of Elections, is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division shall establish minimum levels of voting systems capability and certify voting system equipment in accordance with the requirements