

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Extinguishers and Pre-Engineered Systems

RULE CHAPTER NO.: 4A-21

RULE TITLE: Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits

RULE NO.: 4A-21.104

PURPOSE AND EFFECT: The changes being considered would have the purposes and effects of changing the manner in which fire equipment dealer licensees and fire equipment permittees attend courses and train to become licensees and permittees. Specifically, the Division of State Fire Marshal is considering for licensees and permittees changing: the prerequisites for taking the licensing and permitting examination, the number of courses required, the amount of testing required, the time permitted for completion of courses, the amount of experience required, the manner in which experience is obtained and is reported to the Division of State Fire Marshal, the fees for courses, and various other aspects which would have an impact on fire equipment dealer licensees and permittees.

SUBJECT AREA TO BE ADDRESSED: Licensing and permitting requirements and procedures for fire equipment dealer licensees and permittees.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.061, 633.161 FS.

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

TIME AND DATE: 1:00 p.m., February 21, 2002

PLACE: Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida

TIME AND DATE: 10:00 a.m., February 22, 2002

PLACE: Main Auditorium, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terry Hawkins, Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3644

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE TITLE: Disposition of State Owned Conservation Lands

RULE NO.: 18-24.009

PURPOSE AND EFFECT: To establish procedures and criteria for the disposal of conservation lands in accordance with the Florida Forever Act, s. 259.105, F.S.

SUBJECT AREA TO BE ADDRESSED: Procedures and criteria for the disposition of conservation lands by the Board of Trustees of the Internal Improvement Trust Fund.

SPECIFIC AUTHORITY: 253.03(7)(a), 259.035(1)(f), 259.105(9) FS.

LAW IMPLEMENTED: 259.034(6), 259.035(4), 259.101(6), 259.105(18) 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: William Howell, Mail Station 140, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)487-1750

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

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLE: Line Information Database Maintenance

RULE NO.: 25-4.119

PURPOSE AND EFFECT: These rules will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. These rules will result in more completed and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 364.03, 364.337(5), 364.035, 364.337, 364.345 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 workshop request must be submitted in writing within 14 days of the date of this notice to: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

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

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLES: RULE NOS.:
 Consumer Information 25-24.830
 Service Standards 25-24.840

PURPOSE AND EFFECT: These rules will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. These rules will result in more completed and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 364.03, 364.337(5), 364.035, 364.337, 364.345 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 workshop request must be submitted in writing within 14 days of the date of this notice to Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
 Use of Committed Name 33-603.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth procedures for the use of inmates' legal religious names.

SUBJECT AREA TO BE ADDRESSED: Inmate names.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-603.101 Use of Committed Name.

(1)(a) In order to avoid conflicts in mailing and visiting privileges, as well as to assist inmates in making bank and canteen transactions and ensure timely delivery of legal documents, and to provide staff with a consistent means of inmate identification for security and daily institutional operation purposes, each inmate shall be recognized by the department under the name on the initial commitment under which the inmate was received. This name shall be the inmate's official identification throughout the continuous incarceration of the inmate on that sentence or combined sentences and must be included on any official document sent or received by the inmate except as provided in (3) below.

(b) The department shall register any known aliases on the inmate's record and shall also designate on the record which name is the inmate's true or legal name if this information is available.

(c) Legal Religious Names.

1. Upon request of an inmate to include a legal religious name to the inmate identification card, the warden or facility head shall forward the request and supporting documentation to the Office of the General Counsel for verification that the inmate's name has been legally changed for religious reasons through court order, birth certificate or other legally acceptable documentation. When verification is complete, the Office of the General Counsel shall notify the warden or facility head in writing.

PURPOSE AND EFFECT: Rule 40E-4.091(1)(a), F.A.C., incorporates by reference the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January, 2001” (ERP BOR). Included as part of the ERP BOR are Appendices 2, 3, and 6. This rulemaking initiative proposes to amend Appendix 6, entitled “Above Ground Impoundments” by revising the reporting requirements and the typical special condition language.

SUBJECT AREA TO BE ADDRESSED: Appendix 6 of the SFWMD’s ERP BOR specifies for the benefit of the regulated community the appropriate criteria applicable to the construction and operation of above ground impoundments associated with surface water management systems. An above ground impoundment is defined in Section 373.403(1), F.S., as a “dam”, which means “any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.” Specifically, the proposed revisions to Appendix 6 clarify that inspection reports of the conditions of such above ground impoundments must be retained by the permittee and made available to SFWMD staff upon request. Additionally, the typical special condition for all above ground impoundments sets forth with particularity that permittees must inspect on an annual basis the above ground impoundment, control structure, levee and berm for structural integrity and memorialize the inspection via a report signed and sealed by a Florida Professional Engineer. In the event that any deficiencies are found which may impact off-site areas, the report must detail proposed techniques and schedules for repairs, as necessary, and be submitted to SFWMD staff.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.418, 373.421, 373.426 FS.

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

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE AMENDMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 21 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above),

affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____” ~~January 2001~~

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441, 373.171 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to “Appendix 6 – Above Ground Impoundments” of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

1.0 through 3.0 No change.

4.0 OPERATION AND MAINTENANCE

4.1 Reporting

Inspection Reporting of impoundment conditions, repairs, etc. will be a continuing process required by permit special condition. Inspection reports are to be retained by the permittee and copies made available to the District upon request. The District will indicate those general areas of interest for which reporting is required, but it It is the basic responsibility of the permittee to initiate interim reporting and/or more detailed reporting to the District as conditions change, emergencies or problems arise, etc. It is expected that Major impoundments will be reported in accordance with the operation and maintenance manual and emergency response and evacuation plan adopted at the time of permit issuance, with updates as necessary.

4.2 No change.

4.3 Typical Special Condition

IF REQUESTED IN WRITING BY AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

TIME AND DATE: 3:00 p.m. – 6:00 p.m., February 14, 2002
 PLACE: AHCA, Building #3, Conference Rooms D and E, Tallahassee, FL

TIME AND DATE: 9:00 a.m. – 12:00 Noon, February 15, 2002

PLACE: DCF, Service Center, 311 North State Road #7, Diamond Room, Ft. Lauderdale, FL

TIME AND DATE: 9:00 a.m. – 12:00 Noon, February 19, 2002

PLACE: Duval County Health Department, 515 West 6th Street, Smith Auditorium, 1st Floor, Jacksonville, FL

TIME AND DATE: 9:00 a.m. – 12:00 Noon, February 22, 2002

PLACE: Zora Neale Hurston Building, 400 West Robinson Street, Conference Rooms A and B, Orlando, FL

TIME AND DATE: 9:00 a.m. – 12:00 Noon (Central Time), February 27, 2002

PLACE: 180 Governmental Center, Hagler-Mason Conference Room, 2nd Floor, Pensacola, 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:

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 Rule 59G-5.020, F.A.C. 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.

(c) ~~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

Board of Auctioneers

RULE TITLE: RULE NO.:

Probable Cause 61G2-7.010

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

SUBJECT AREA TO BE ADDRESSED: Probable Cause.

SPECIFIC AUTHORITY: 455.225(4), 468.384(2) FS.

LAW IMPLEMENTED: 455.225(4) 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: Julie Baker, Executive Director, Board of Auctioneers, 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

Board of Cosmetology

RULE TITLE: RULE NO.:

Endorsement of Cosmetologists 61G5-18.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the requirements for issuance of a license by endorsement. This amendment clearly lays out when the Board shall issue a license to an applicant without an examination.

SUBJECT AREA TO BE ADDRESSED: Endorsement of Cosmetologists.

SPECIFIC AUTHORITY: 477.019(5), 477.016 FS.

LAW IMPLEMENTED: 477.019(5) 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.007 Endorsement of Cosmetologists.

The Department of Business and Professional Regulation shall issue a license to an applicant ~~a person~~ without examination who:

(1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002;

(2) Demonstrates that the applicant is ~~is~~ currently licensed to practice cosmetology under the law of another state;

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours; the out-of-state license was issued based upon personal qualifications substantially similar to, equivalent to, or greater than the qualifications required of Florida applicants.

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license;

(5) Demonstrates that the applicant has completed a board approved HIV/AIDS course.

Specific Authority 477.019(5), 477.016 FS. Law Implemented 477.019(5) FS. History—New 11-3-80, Formerly 21F-18.07, Amended 6-22-87, 10-18-87, 12-17-90, Formerly 21F-18.007, Amended _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: RULE NO.:

Probable Cause Determination 64B14-1.003

PURPOSE AND EFFECT: The Board proposes a new rule setting forth the procedure for a determination of probable cause including the composition of the probable cause panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 456.073, 468.801, 468.802 FS.

LAW IMPLEMENTED: 456.073 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: 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.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES:	RULE NOS.:
Requirements for Prosthetic or Orthotic Residency or Internship	64B14-4.100
Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic	64B14-4.110

PURPOSE AND EFFECT: The Board proposes an amendment to existing rules setting forth the requirement to advise the Board of the initiation of the residency or internship requirement for licensure.

SUBJECT AREA TO BE ADDRESSED: Residency or internship requirements for licensure as a Prosthetic, Orthotic, Orthotic Fitter Assistant, and Pedorthic applicant.

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.802, 468.803 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: 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.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES:	RULE NOS.:
Continuing Education Course Criteria	64B14-5.003
Provider Applications	64B14-5.004

PURPOSE AND EFFECT: The Board is reviewing the criteria for continuing education courses and providers to revise existing criteria and requirements for the courses and providers.

SUBJECT AREA TO BE ADDRESSED: Continuing education course criteria and provider applications.

SPECIFIC AUTHORITY: 456.013, 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013(8), 468.806 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: 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.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES:	RULE NOS.:
Continuing Education Course Criteria	64B14-5.003
Provider Applications	64B14-5.004

PURPOSE AND EFFECT: The Board is reviewing the criteria for continuing education courses and providers to revise existing criteria and requirements for the courses and providers.

SUBJECT AREA TO BE ADDRESSED: Continuing education course criteria and provider applications.

SPECIFIC AUTHORITY: 456.013, 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013(8), 468.806 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: 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.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE:	RULE NO.:
Disciplinary Guidelines	64B14-7.003

PURPOSE AND EFFECT: The Board is reviewing the existing guidelines to implement legislative changes and update existing guidelines to determine if the penalty recommended is appropriate for the violation.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 468.802 FS.

LAW IMPLEMENTED: 456.079, 468.811 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: 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.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES:	RULE NOS.:
Inactive Licenses: Fees for Application, Reactivation and Renewal;	
Delinquency Fee	64B18-12.006
Fees for Licensure Pursuant to Section 461.018, Florida Statutes	64B18-12.009

PURPOSE AND EFFECT: The Board proposes to discuss these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Inactive licenses: fees for application reactivation and renewal; delinquency fee; and fees for licensure pursuant to Section 461.018, F.S.

SPECIFIC AUTHORITY: 461.005, 461.007, 461.008, 461.018 FS.

LAW IMPLEMENTED: 456.013(2), 456.036, 456.048, 456.064, 461.007(1), 461.007, 461.008, 461.018 FS.

THE BOARD WILL DISCUSS THESE RULES BY TELEPHONE CONFERENCE CALL AT THE TIME AND DATE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. until all business is completed, Friday, February 1, 2002

PLACE: Telephone Conference Meet Me Number (850)921-2470

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 Podiatric Medicine/MQA, 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 Podiatric Medicine

RULE CHAPTER TITLE: License Renewal; Inactive Status

RULE CHAPTER NO.: 64B18-13

PURPOSE AND EFFECT: The Board proposes to discuss this rule chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Procedure of application for inactive status of licensure; procedure for renewal of inactive status of licensure; procedure for reactivation of inactive status to active status; exemption of spouse of member of armed forces from license renewal requirements.

SPECIFIC AUTHORITY: 456.024(2), 456.036, 461.005, 461.008 FS.

LAW IMPLEMENTED: 456.024, 456.036, 461.008 FS.

THE BOARD WILL DISCUSS THIS RULE CHAPTER BY TELEPHONE CONFERENCE CALL AT THE TIME AND DATE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. until all business is completed, Friday, February 1, 2002

PLACE: Telephone Conference Meet Me Number: (850)921-2470

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 Podiatric Medicine/MQA, 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 Respiratory Care

RULE TITLE: Fees

RULE NO.: 64B32-4.001

PURPOSE AND EFFECT: The Board proposes to raise fees and update existing rule text.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.025(1), 456.065, 456.036(7),(8), 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.025(1),(6), 456.065, 456.036, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-4.001 Fees.

(1) The biennial renewal fee for licensure shall be \$121.00 ~~110.00~~.

(2) The reactivation fee for activating an inactive certification or registration shall be \$55 ~~50~~.

(3) The renewal fee for renewing the inactive status of a certification or registration shall be \$55 ~~50~~.

(4) through (5) No change.

(6) The delinquency fee shall be \$121.00 ~~110.00~~.

~~(7) The application for inactive license fee shall be \$50.00.~~

~~(7)(8) The change in status fee shall be \$35.00.~~

Specific Authority 456.025(1), 456.065, 456.036(7),(8), 468.353(1), 468.364 FS. Law Implemented 456.025(1),(6), 456.065, 456.036, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Provider Approval and Renewal Procedures RULE NO.: 64B32-6.005

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

SUBJECT AREA TO BE ADDRESSED: Provider Approval and Renewal Procedures.

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(4), 468.361(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.005 Provider Approval and Renewal Procedures.

(1)(a) No change.

(b) Pay the \$250 ~~200~~ application fee.

(c) No change.

(2) through (3) No change.

(4) The biennial renewal fee for providers shall be \$220 ~~200~~.

(5) through (10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(4), 468.361(3) FS. History—New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program Office

RULE TITLE: Medicaid Ticket to Work RULE NO.: 65A-1.721

PURPOSE AND EFFECT: This proposed rule implements the Medicaid Ticket to Work program for certain disabled individuals.

SUBJECT AREA TO BE ADDRESSED: The Ticket to Work program allows disabled individuals with earnings to qualify for Medicaid when income and resources are within specified maximums and all program technical eligibility factors are met. This rule establishes eligibility guidelines.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.904 (11), 409.919 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: 10:30 a.m., February 11, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 420, Tallahassee, Florida 32399-0700, Telephone (850)488-3070

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

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Reports to the Department RULE NO.: 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.

SUMMARY: The proposed amendment provides that if any due date falls on a weekend or holiday, a quarterly report will be considered to be timely filed if it is postmarked or electronically transmitted no later than the next business day. The proposed amendment also defines “good cause” with regards to the waiver of any administrative fines for untimely filed reports.

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