

Specific Authority ~~459.005, 459.0135 F.S. Section 188, Chapter 97-264, Laws of Florida. Law Implemented 459.0135 F.S. Section 188, Chapter 97-264, Laws of Florida. History—New 3-29-98, Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
3D-20.0021	Procedures for Filing Claim
3D-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
3D-20.0030	Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 33 (August 17, 2001), issue of the Florida Administrative Weekly.

3D-20.0021 Procedures for Filing Claim.

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

(b) If the claim is denied, written notice containing rights to request a hearing as provided in Sections 120.569 and 120.57, F.S., will be mailed to the claimant at the address provided in the claim. The claim will be denied without prejudice and may be refilled at any time. ~~However, if the unclaimed property has been awarded to another claimant, in good faith, prior to refiling, the later filed claim may be denied with prejudice. Written notice containing rights of appeal will be provided.~~

(3) through (6)(c)2. No change.

3. Full disclosure will be recognized by the Department when the following language, fully completed with all appropriate blanks filled in, is conspicuously, and as a single statement, incorporated within the Agreement just prior to the signature of the owner, as follows:

FULL DISCLOSURE STATEMENT

Pursuant to Chapter 717, F.S., this unclaimed property is currently being held by the Florida Department of Banking and Finance. ~~The property was reported in the name of (exact name of the owner(s) as listed in UCP~~

~~records), and sent to the Department in (mm/dd/yy). The person/entity that reported it to the state is (XYZ Corporation). The person/entity's last date of contact with the apparent owner was (mm/dd/yy). The property consists of (\$/# of shares/SDB contents – list contents), from (type of property – utility deposit/wages/etc.) The property has an approximate value of _____.~~

4. through 5. No change.

~~6. Contracts for the recovery of small estate accounts pursuant to Section 717.1243, F.S., by Estate Affidavit (Form DBF-UP-1243), in lieu of probate, are subject to Section 717.135(1), F.S. If it is necessary to open an estate for the purpose of collecting the unclaimed property, or to reopen an estate to obtain a new order for the purpose of collecting the unclaimed property, then the fee cap exemption set forth in Section 717.135(1)(b), F.S., shall apply. However, fee caps shall apply to closed probate estates and estates that have never been probated.~~

~~7. In the case of guardianship proceedings, the fee cap exemption only applies to those proceedings opened for the purpose of collecting the unclaimed property, or where a new order must be obtained to collect the unclaimed property.~~

(7) through (11)(a)1. No change.

~~2. Securities. The Department will liquidate all securities issues which can be sold as soon as practicable unless the security cannot be sold due to market liquidity, current valuation or on-going corporate activity. Payment will be provided as follows: processed for the property (either cash value of securities, shares or securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.~~

~~a. If the securities have been liquidated, payment of the cash proceeds will be made by warrant, and mailed to the owner's address. The Department will deliver the securities to the owner, unless securities cannot be transferred or sold due to current valuation or ongoing corporate activity, for example, mergers, reorganizations or splits.~~

~~b. Securities in a claimed account, for which liquidation has not been requested, will be registered in the owner's name and transferred electronically to the owners' existing brokerage account, provided the information required by the securities industry is available at the time the claim is filed. If the security can be certificated and delivery of the certificate is requested, the certificate will be mailed to the owner. The securities will be delivered in physical form, or directly transferred into an owner's brokerage account if the information is provided to the Department at the time the claim is filed with the Department. The information required by the securities industry for electronic transfer could include the broker or agent's DTC (Depository Trust Corporation) number, ABA (American Banker's Association) number, the owners' account number and account registration.~~

c. Certificated securities that cannot be sold based on market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed.

d. Non-certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity but can be electronically transferred, will be electronically transferred to an owner's brokerage or mutual fund account, if the information required by the securities industry is provided at the time the claim is filed.

e. Securities that cannot be sold, certificated or transferred to an owner's brokerage account, will not be paid. Written notice will be provided to the owner.

f. All securities will be registered according to industry standards.

(11)(a)3. No change.

(b) Payment and Delivery of Claims filed by Owner's Representative.

1. Cash – Payment of cash will be made to owners by warrant, net of the Owner's Representative's fees, and mailed to the owner. Payment of fees to Owner's Representatives will be made electronically at least twice a month provided a completed Form DBF-AA-26E, incorporated by reference in Rule 3A-22.002, F.A.C., is provided.

2. Securities – The Department will liquidate all securities issues that can be sold as soon as practicable, unless the security cannot be sold due to market liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows: Payment will be processed for the property (either cash value of securities, shares of securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.

a. If the securities have been liquidated, payment of the cash proceeds will be made as set forth in subparagraph (11)(b)1. above.

~~i. If cash value, payment will be made electronically as set forth in paragraph (b)1. above.~~

b. Certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed to the Owner's Representative with notice to the owner.

~~ii. If non-certificated shares of securities, the shares will be registered in the name of the owner and notification will be sent to both the Owner and the Owner's Representative.~~

c. If the security can be certificated and delivery of the certificate is requested, in writing, by the owner and the Owner's Representative, the security will be registered in the owner's name and the certificate will be mailed to the Owner's Representative with notice to the owner.

iii. If a certificate is issued, written notice will be provided to the owner that the physical certificate has been sent to the Owner's Representative.

d. Non-certification securities that cannot be sold market liquidity, current valuation, or ongoing corporate activity will be registered in the name of the owner and transferred electronically to an owner's brokerage or mutual fund account, if the information required by the securities industry is provided at the time the claim is filed. Such information could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker Association), the owner's account number and account registration. If such information is not available at the time the claim is to be paid, written notice will be provided to the Owner's Representative, who must provide the information. The security for which such information is required will not be paid until the information is provided. When the security is paid, the owner and the Owner's Representative will receive written notice of the transfer.

~~iv. If both the owner and the Owner's representative request direct transfer of shares of securities to the owner in writing when the claim is filed, the securities will be made out in the name of the owner and transferred directly to the owner's brokerage accounts.~~

e. Securities that cannot be electronically transferred to a brokerage or mutual fund account, but can be certificated, will be registered in the name of the owner. The certificate will be mailed to the Owner's Representative, with written notification to the owner.

f. Securities that cannot be sold, electronically transferred, or certificated, will not be paid. Written notice will be provided to the owner and the Owner's Representative.

~~g. All securities will be registered according to industry standards.~~

~~(12) Applicability. The provisions of paragraph 3D-20.0021(6)(e), F.A.C., "Owner's Representative Fee Caps," shall apply to all claims filed on or after the effective date of this rule.~~

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) No change.

(2) Claims by Apparent Owner. Any and all persons claiming an interest in unclaimed property in ~~within~~ the possession of the Department shall file with the Department a copy of a current driver's license showing the full name and current address of such person or persons. In the event that a current driver's license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department. This subsection shall not apply to any person who is acting as an ~~Owner's Representative.~~

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent's death certificate or a copy of the death certificate filed with the court as part of an estate proceeding and certified by the clerk of court, as well as the following:

1. Open Estates – ~~Court~~ records, certified by the clerk of court duly authenticated within one (1) year of the date of filing the claim with the Department, reflecting the personal representative's right to act for the estate of the apparent owner.

2. Closed Estates – A probate court order, certified by the clerk of court duly authenticated within one (1) year of the date of filing of the claim with the Department, identifying the beneficiaries and the proportional entitlement of each to the estate.

3. through 4.b. No change.

~~(b) If the apparent owner is deceased, T~~he claimant must provide appropriate documentation to connect the claimant to the deceased apparent owner.

(4) Claims for Guardianship Assets.

(a) The claim must be filed by the court appointed guardian or Owner's Representative, who must provide a court order evidencing the guardian's claimant's current existing authority to act as guardian on behalf of the ward, certified by the clerk of court duly authenticated within one (1) year of filing the claim with the Department, along with the guardian's name, address and social security number.

(b) No change.

(5) No change.

3D-20.030 Definitions.

(1) through (8) No change.

~~(9) "Claimant means the person or entity for whom payment is sought. As used in this definition, the term "claimant" does not include an owner's representative.~~

(10) No change.

(11) "Received", for purposes of Section 717.1241, F.S., means the date a claim was initially submitted to the Department, even if it is later determined to be incomplete. However, no claim shall be considered received pursuant to Section 717.1241, F.S., unless it is accompanied by an executed claim form, an Agreement pursuant to Section 717.135, F.S. (where applicable), and some documentation supporting ownership or entitlement.

~~"Filed" means the receipt of a completed claim as set forth in paragraph 3D-20.0021(10), F.A.C.~~

Forms DBF-UP-105, 106, 107, 108, 110, 124, 1243, 131 and 150, incorporated by reference, have also been changed.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: RULE TITLE:
3D-30.041 Certificate of Authority Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 6, February 8, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-149.003 Rate Filing Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., published in Vol. 27, No. 49, December 7, 2001, issue of the Florida Administrative Weekly.

4-149.003 Rate Filing Procedures.

(1)(b) Credibility. In analyzing the experience of policy forms, the following sequence shall be used: if the Florida experience is comprised of fully credible data, as defined in Rule 4-149.006(4)(e), F.A.C., the Florida experience will be used; if not, then nationwide experience will be used as described in Rule 4-149.006(4)(e), F.A.C. Once policy forms have been combined, they remain so for all rating purposes. When forms have been so combined, a rate revision request shall not differentiate between the experience of the individual forms, except to reflect benefit differences between forms. Where significant inconsistencies between rate levels exist between forms providing similar benefits, some deviation in rate revision granted shall be allowed to reduce these inconsistencies.

This change was made in response to comments received from the Florida Legislature's Joint Administrative Procedures Committee. The person to be contacted regarding this matter is Frank Dino, Chief Actuary, Bureau of Life and Health Forms and Rates, (850)413-5014.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
ON MARCH 12, 2002**

The Governor and Cabinet, on March 12, 2002, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12-24.001, F.A.C. (Scope of Rules); 12-24.002, F.A.C. (Definitions); 12-24.003, F.A.C. (General Requirements); 12-24.004, F.A.C. (Payor Information); 12-24.005, F.A.C. (Methods of Electronic Funds Transfer); 12-24.006, F.A.C. (Means of Communication to Report Payment Information); 12-24.007, F.A.C. (Payment Transmission Errors); 12-24.008, F.A.C. (Procedures for Payment); 12-24.009, F.A.C. (Due Date; General Provisions); 12-24.010, F.A.C. (General Administrative Provisions); 12-24.021, F.A.C. (Scope); 12-24.023, F.A.C. (Recordkeeping Requirements-General); 12-24.024, F.A.C. (Recordkeeping Requirements-Machine Sensible Records); 12-24.025, F.A.C. (Records Maintenance Requirements); 12-24.026, F.A.C. (Access to Machine-Sensible Records); 12-24.027, F.A.C.

(Taxpayer Responsibility and Discretionary Authority); 12-24.028, F.A.C. (Alternative Storage Media); 12-24.029, F.A.C. (Effect of Hardcopy Recordkeeping Requirements); and, 12-24.030, F.A.C. (Records Retention-Time Period). A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on June 1, 2001 (Vol. 27, No. 22, pp. 2597-2608), and the workshop was held on June 26, 2001. Comments were received prior to the workshop and at the workshop. Changes were incorporated into the proposed rules based on these comments. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on November 21, 2001 (Vol. 27, No. 47, pp. 5509-5519), and a public hearing was conducted on December 18, 2001. Comments were made at the public hearing, and changes were incorporated into the rules based on these comments. Subsequent to the public hearing the Joint Administrative Procedures Committee submitted comments. In response to these comments the Department made changes to Rules 12-24.005, 12-24.007, 12-24.008, 12-24.009, 12-24.023, 12-24.025, and 12-24.030, F.A.C., which was published in the January 25, 2002 issue of the Florida Administrative Weekly (Vol. 28, No. 4, pp. 303-305).

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: 28-18
RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon

RULE NO.: 28-18.200
RULE TITLE: Comprehensive Plan

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 22, 2001, issue of the Florida Administrative Weekly.

28-18.200 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

- (1) No change.
- (a) through (b) No change.
- (c) Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government which contributed funds for said construction shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

- (d) No change.
- (e) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:
 - YEAR FOUR (July 13, 2000 through July 12, 2001)
 - A. through C. No change.
 - YEAR FIVE (July 13, 2001 through July 12, 2002)
 - A. through D. No change.
 - YEAR SIX (July 13, 2002 through July 12, 2003)
 - A. Initiate construction of selected projects as identified in the Storm Water Master Plan.
Agencies: ~~City County~~, SFWMD, DEP, DCA, DOT, EPA and WQSC.
 - B. through D. No change.
 - YEAR SEVEN (July 13, 2003 through July 12, 2004)
 - A. and B. No change.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History–New _____.

NAME OF PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: 28-20
RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County

RULE NO.: 28-20.100
RULE TITLE: Comprehensive Plan

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 22, 2001, issue of the Florida Administrative Weekly.

The Monroe County Comprehensive Plan Policy Document, as the same exists on May 15, 2001, is hereby amended as follows:

- 28-20.100 Comprehensive Plan.
- (1) through (34) No change.
- (35) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government which contributed funds for said construction shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for

new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 197 new residential units per year. The restored permits (39) are encouraged to be dedicated to affordable housing. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1
Nutrient Reduction Credits

	On-site Treatment OWNR or Equivalent On-site Treatment and Disposal Systems 1 EDU Credit	Treatment System Upgraded To		
		Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT) 1.5 EDU Credit
Cesspit	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning August 1, 2002, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a

maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

WORK PROGRAM

- YEAR ONE (ending December 31, 1997)
 - A. through G. No change.
- YEAR TWO (ending December 31, 1998)
 - A. through F. No change.
- YEAR THREE (January 1, 1999 through July 12, 2000)
 - A. through I. No change.
- YEAR FOUR (July 13, 2000 through July 12, 2001)
 - A. through F. No change.
- YEAR FIVE (July 13, 2001 through July 12, 2002)
 - A. through E. No change.

- YEAR SIX (July 13, 2002 through July 12, 2003)
 - A. through D. No change.
 - YEAR SEVEN (July 13, 2003 through July 12, 2004)
 - A. and B. No change.
- ~~(36)(2)~~ Policy 101.2.14

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

(36) through (57) renumbered (37) through (58) No change.

~~(59)(2)~~ Policy 901.1.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2.]

Permanent Level of Service Standards.

- (A) through (C) No change.
- (2) No change.

(59) through (64) renumbered (60) through (65) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

DEPARTMENT OF CORRECTIONS

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rules, as noticed in the Florida Administrative Weekly, Vol. 28, No. 5, February 1, 2002, will be held at 9:00 a.m., Wednesday, March 6, 2002, Department of Corrections, Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-401.501	Communicable Disease Exposure and Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 48, November 30, 2001, issue of the Florida Administrative Weekly, and amended in Vol. 28, No. 4, January 25, 2002:

33-401.501 Communicable Disease Exposure and Testing.

(1) In the event of possible exposure to a communicable disease by a correctional officer, employee or any unincarcerated person lawfully present in a correctional facility, the person exposed is authorized by s. 944.35, F.S., to request the testing of ~~himself or herself~~ and the inmate who caused the exposure.

~~(a) If the request is made by a correctional officer or other employee, testing of the individual and access to counseling, health care, and support services shall be provided through the workers compensation program. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.~~

~~(b) If the request is made by an unincarcerated person lawfully present in the correctional facility, he or she shall be referred to his or her health care provider or local health department for testing and access to counseling, health care and support services. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.~~

(2) through (3) No change.

(4) The source inmate shall be provided with counseling, health care and support services in conjunction with communication of the test results.

(a) If the affected person is a correctional officer or other employee, access to testing, counseling, health care, and support services shall be provided through the workers compensation program.

(b) If the affected person is an unincarcerated person lawfully present in the correctional facility, he or she shall be advised to contact his or her health care provider or local health department for testing, counseling, health care and support services.

Specific Authority 944.35 FS. Law Implemented 944.35, 381.004, 440.09 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.014
 RULE TITLE: Standards for Telemedicine Prescribing Practice

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 27, No. 39, of the Florida Administrative Weekly on September 28, 2001, and the subsequent Notice of Change, published in the December 14, 2001, FAW is hereby withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-13.004	Application for Board Approved Provider Status
64B15-13.0045	Standards for Board Approved Providers

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of a public hearing on the above-referenced rules to be held on March 15, 2002, at 6:00 p.m., at the Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida. This public hearing is being held in response to comments provided by the staff of the Joint Administrative Procedures Committee. The rule was originally published in Vol. 27, No. 49, of the December 7, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Clyde G. Cole on February 5, 2002, a petition for Waiver of subsection 11B-20.0014(3)(c), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain pre-certification requirements for Canine Instructor Certification.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.