

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

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

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Pre-Qualification and Licensure of Emergency Adjusters RULE NO.: 4-220.001

PURPOSE, EFFECT AND SUMMARY: To adopt and incorporate Form DI4-1297 into rule by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 626.8732, 626.8734 FS.

LAW IMPLEMENTED: 624.307(1), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b), (i) FS.

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

TIME AND DATE: 9:00 a.m., June 18, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Huggins, Bureau Chief, Division of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5405

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 Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-220.001 Pre-Qualification and Licensure of Emergency Adjusters.

(1) through (7) No change.

(8) Non-Resident Public and Independent Adjusters. Non-Resident Public and Independent Adjusters are required to annually execute Form DI4-1297, "Affidavit of Insurance For Non-Resident Public and Independent Adjusters", rev. 8/98 which is hereby adopted and incorporated by reference.

Specific Authority 624.308(1), 626.8732, 626.8734 FS. Law Implemented 624.307(1), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b), (i) FS. History--New 2-25-93, Amended 8-18-94, 1-7-97, 10-20-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Bureau Chief, Division of Agent and Agency Licensing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses Which are Funded Through The Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to update the document "Course Code Directory and Instructional Personnel Assignments," as incorporated by reference in the rule. This document provides public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical and adult schools of Florida including related teacher certification coverages.

SUMMARY: The proposed amendment incorporates an updated "Course Code Directory and Instructional Personnel Assignments" which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 236.081 FS. LAW IMPLEMENTED: 229.592, 232.246, 236.081, 240.40202 FS.

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

TIME AND DATE: 9:00 a.m., June 25, 2002

PLACE: Miami, Florida (For additional information, please call (850)488-6539

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Deputy Commissioner for Educational Programs, 400 South Monroe Street, PL08, Capitol, Tallahassee, Florida 32399-0400, (488)413-0555

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity that constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments" for the year in which the student is in membership.

(5) The "Course Code Directory and Instructional Personnel Assignments 2002-2003, 2001-2002" is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1), 236.081 FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History--New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-16-01, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 10, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification

in Reading (Grades K-12) – Academic Class 6A-4.0291

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 6A-4.0291, FAC., is to update the requirements for reading certification. The effect will be highly qualified K-12 instructors in the area of reading that provide high-quality K-12 reading instruction.

SUMMARY: This proposed amendment describes the coursework content needed to align reading certification requirements with the certification reading examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(1) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., June 25, 2002

PLACE: Miami, Florida (For additional information, please call (850)488-6539)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director of the Office of Just Read, Florida!, Turlington Building, 325 West Gaines Street, Room 1402, Tallahassee, Florida 32399-0400, (850)921-9969

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0291 Specialization Requirements for Certification in Reading (Grades K-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A master's or higher degree with a graduate major in reading, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in reading to include the areas specified below:

(a) Six (6) semester hours in foundations of reading instruction to include the elementary and secondary levels,

- (b) Six (6) semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading,
- (c) Three (3) semester hours in educational measurement,
- (d) Three (3) semester hours in literature for children or adolescents,
- (e) Three (3) semester hours in methods of teaching language arts at the elementary or secondary level, ~~and~~
- (f) Three (3) semester hours in administration and interpretation of instructional assessments with instructional strategies and materials based upon scientifically based reading research for the prevention and remediation of reading difficulties, and

- ~~(g)(4) Three (3) semester hours in a reading practicum.~~
- ~~(3) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 7-1-90, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Specialization Requirements for the Reading Endorsement – Academic Class

RULE NO.: 6A-4.0292

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish requirements of a Florida educator reading endorsement. The effect will be highly qualified K-12 instructors in the area of reading that provide high-quality K-12 reading instruction.

SUMMARY: This proposed rule describes 15 semester hours of required content grounded in scientifically based reading research with an emphasis on the prevention and remediation of reading difficulties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(6) FS.

LAW IMPLEMENTED: 229.053, 231.145, 231.15(1), 231.17(6) FS.

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

TIME AND DATE: 9:00 a.m., June 25, 2002

PLACE: Miami, Florida (For additional information, please call (850)488-6539)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director of the Office of Just Read, Florida!, Turlington Building, 325 West Gaines Street, Room 1402, Tallahassee, Florida 32399-0400, (850)921-9969

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0292 Specialization Requirements for the Reading Endorsement – Academic Class.

(1) A bachelor’s or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage, and

(2) Fifteen (15) semester hours in reading coursework based upon scientifically based reading research with a focus on both the prevention and remediation of reading difficulties to include the areas specified below:

(a) Six (6) semester hours in understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning;

(b) Three (3) semester hours in the administration and interpretation of instructional assessments to include screening, diagnosis, and progress monitoring with purposes of prevention, identification, and remediation of reading difficulties;

(c) Three (3) semester hours in understanding how to prescribe, differentiate instruction, and utilize appropriate strategies and materials based upon scientifically based reading research in order to address the prevention, identification, and remediation of reading difficulties in order to increase reading performance; and

(d) Three (3) semester hours in a supervised practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and remediation of reading difficulties.

Specific Authority 229.053(1), 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History—New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF CORRECTIONS**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Routine Mail	33-210.101
Legal Documents and Legal Mail	33-210.102
Privileged Mail	33-210.103

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to clarify the department’s policy concerning: mail enclosures, rejection criteria, legal mail, and mail processing.

**SUMMARY:** The proposed rules provide a detailed description of what may be enclosed in routine, legal and privileged mail; expand rejection criteria; expand the definition of legal mail; provide for the use of an outgoing legal mail stamp to enable the courts to determine when inmate legal documents are mailed; and revise the time frames in which the department must process mail incoming mail.

**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:** 20.315, 944.09, 944.11 FS.

**LAW IMPLEMENTED:** 944.09, 944.11 FS.

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

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

**THE FULL TEXT OF THE PROPOSED RULES IS:**

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts, cards which are constructed in such a way as to permit concealment of contraband, or which are larger than 8”x10” will not be permitted.

(b) Up to 3 pages of additional written materials. Each page can be no larger than 8 1/2 x 11 inches in size; material can be on both sides of a page. This does not include bound publications which will be handled pursuant to Rule

33-501.401, F.A.C. Individual newspaper or magazine articles or clippings or clippings from other publications are permissible, up to the 3 page limit. No item can be glued, taped, stapled or otherwise affixed to a page.

(c) Photographs. Photographs will be counted toward the 3 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8”x10”.

(d) Cashiers checks, certified bank drafts or money orders. These items do not count toward the 3 page limitation for additional materials. Note: pursuant to Rule 33-203.201, F.A.C., persons sending money to inmates shall send the funds directly to the Bureau of Finance and Accounting Inmate Bank for deposit and shall not enclose them with routine mail.

(e) Self-addressed stamped envelopes. These items do not count toward the 3 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 ounce) first class stamps.

(f) Blank greeting cards (no larger than 8”x10”), stationery or other blank paper or envelopes. These items do not count toward the 3 page limitation for additional materials, but cannot exceed 10 in number, with a total possession limit of 15.

(g) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 3 page limitation for additional materials.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature or cash concealed within the correspondence), the entire correspondence will be returned to the sender pursuant to subsection (11) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) Non-paper items;

(b) Items of a non-communicative nature such as lottery tickets or matchbooks;

(c) Stickers or stamps (other than postage stamps, postal service attachments, and address labels affixed to the outside of the envelope);

(d) Address labels (other than those affixed to the outside of the envelope);

(e) Laminated cards or other laminated materials.

(4) Inmates shall be responsible for informing correspondents of the regulations concerning incoming routine mail.

(5)(2) Any routine mail sent or received may be opened, examined and read by a designated employee. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than ~~48~~ 24 hours, excluding weekends and holidays.

~~(6)(3)~~ No change.

~~(7)(4)~~ Correspondence with inmates of other penal institutions shall be subject to the approval of the warden of each institution. Either warden ~~shall may~~ withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order or rehabilitative objectives of his institution.

~~(8)(5)~~ No change.

~~(9)(6)~~ Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) through (j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Is not in compliance with incoming mail regulations set forth in subsections (2) and (3) of this rule (incoming mail only);

(m) Contains or appears to contain unknown or unidentifiable substances; or

~~(n)(k)~~ Otherwise presents a ~~clear and substantial~~ threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

~~(10)(7)~~ No change.

~~(11)(8)~~ When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(9) through (10) renumbered (12) through (13) No change.

~~(14)(4)~~ Cashier's checks, certified bank drafts and money orders found in incoming mail shall be forwarded to the Bureau of Finance and Accounting Inmate Bank to be deposited in the inmate's account in the Inmate Trust Fund pursuant to Rule 33-203.201, F.A.C. Cash and uncertified bank

drafts will not be accepted and will be returned to the sender. The department is not responsible for any cash sent through the mail.

~~(15)(12)~~ No change.

(16) Inmates shall not utilize hand-made packages or envelopes to send out routine mail. Mail enclosed in such materials will be returned to the inmate without processing.

(17) Outgoing packages and envelopes will not bear any artwork, additional lettering or designs other than the required address and return address.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended \_\_\_\_\_.

33-210.102 Legal Documents and Legal Mail.

(1) All inmates shall have a right of unhindered access to the courts. No provision of this rule shall be applied in such a way as to conflict with any rule of court. In any filings or correspondence with state courts, inmates are restricted by Section 92.351, F.S., to mailing paper documents only, unless prior authorization is obtained from the court for inclusion of non-paper materials. No non-paper materials will be forwarded to the court until the inmate presents a court order authorizing the mailing of non-paper documents to the court. Inmates shall be given ample time in which to prepare petitions and other legal documents. These documents will be processed promptly subject to the procedures outlined in this rule.

(2) Legal mail shall be defined as:

(a) through (e) No change.

(f) Mail to and from Agency Clerks.

(g) Mail to and from government attorneys.

(3) No change.

(4) Inmates ~~shall may~~ be allowed to prepare legal documents and legal mail in their living area quarters. Additionally, some institutions may designate other areas specifically for this purpose.

(5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications) and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2), F.A.C.:

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings or other written materials of a non-legal nature.

3. Photographs, unless related to the inmate's criminal case. If related to the criminal case, the photographs shall still be subject to restriction based on content if the photographs present a threat to the security or order of the institution or the rehabilitative interests of the inmate. Polaroid photographs are prohibited.

4. Cashiers checks, certified bank drafts, or money orders. (See also Rule 33-203.201, F.A.C., for deposit procedures).

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(b) The following items which are prohibited for receipt in routine mail are also not permissible for inclusion in or attachment to legal mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps, postal service attachments, and address labels affixed to outside of envelope);

4. Address labels (other than those affixed to the outside of the envelope);

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing their legal correspondents of the regulations concerning incoming legal mail.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8)(6) Processing of Legal Mail.

(a) All 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. Only the signature and letterhead may be read. 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 (8)(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. If the outgoing mail is legal mail and it contains no contraband, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents before they are sealed for mailing and shall have the inmate place his or her initials next to the stamp.

(c) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours, excluding weekends and holidays.

(9)(7) Inmates shall be allowed to purchase and receive legal material (such as law books) at their own expense, limited only by the amount of space available to the inmate for the storage of such items. Inmates shall be allowed to keep legal material in their living area quarters subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing. Outgoing packages and envelopes will not bear any artwork, additional lettering or designs other than the required address and return address.

(8) through (10) renumbered (10) through (12) No change.

(11) Each warden shall issue an institutional operating procedure to effectuate the provisions of this rule, which will cover the following outline:

(a) The location or locations designated where legal documents and mail may be prepared and times available for use of these areas.

(b) The specific procedure whereby legal materials can be received and stored.

(c) Specify that the inmate is responsible for notifying attorney and courts not to enclose money orders and checks in envelopes with other legal mail.

(d) Specify any other information deemed necessary for the preparation of legal documents by inmates.

(13)(12) No change.

(14)(13) No change.

(15)(14)(a) Anytime legal mail is received for an inmate who has been transferred within the Department, the institution will return the correspondence within 5 ~~10~~ working days to the post office with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the legal mail, regardless of the class, to the transferred inmate's new institutional assignment, the

Department will pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

(b) Anytime legal mail is received for an inmate who has been released from the Department, it shall be returned to the post office within 5 ~~10~~ working days with a forwarding address, if available, and a request will be made to postal authorities to forward the legal mail to the former inmate. If there is no available forwarding address, all legal mail shall be returned to the sender.

~~(16)(15)~~(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal and/or Privileged Mail Log, Form DC2-522 ~~DC3-324~~. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 ~~DC3-324~~ is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of the form is February 15, 1998.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.402~~(16)(14)~~, F.A.C., Form DC2-522 ~~DC3-324~~ shall be completed as required in paragraph 33-210.102~~(17)(15)~~(a), F.A.C., except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

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 5-5-02,\_\_\_\_\_.

### 33-210.103 Privileged Mail.

(1) No change.

(2) Inmates shall be allowed to receive only written correspondence and self-addressed stamped envelopes in privileged mail.

(a) The following items are not permissible for inclusion in privileged mail, but are permissible for routine mail along with other materials listed in subsection 33-210.101(2), F.A.C.:

1. Greeting cards, blank greeting cards, stationery or other blank paper or envelopes;

2. Articles or clippings;

3. Photographs;

4. Cashiers checks, certified bank drafts or money orders (see also Rule 33-203.201, F.A.C., for deposit procedures);

5. U.S. postage stamps, the value of which cannot exceed the equivalent of 20 (1 oz.) first class stamps;

(b) The following items which are prohibited for receipt in routine mail are not permissible for inclusion in or attachment to privileged mail:

1. Non-paper items;

2. Items of a non-communicative nature such as lottery tickets or matchbooks;

3. Stickers or stamps (other than postage stamps, postal service attachments, and address labels affixed to outside of envelope);

4. Address labels (other than those affixed to the outside of the envelope);

5. Laminated cards or other laminated materials.

(c) Inmates shall be responsible for informing all correspondents of the regulations concerning privileged mail.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature or concealed cash), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(4)(2) Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no contraband. Only the signature and letterhead may be read. 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 ~~(4)(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) No change.

(c) Incoming and outgoing privileged mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours, excluding weekends and holidays.

(3) through (4) renumbered (5) through (6) No change.

(7)(5)(a) Anytime privileged mail is received for an inmate who has been transferred within the department, the institution shall return the correspondence to the post office within 5 ~~10~~ working days with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the privileged mail, regardless of the class, to the transferred inmate's new institutional

assignment, the department shall pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

(b) Upon receipt of privileged mail, if there is a question that it is privileged mail, the mail shall be opened in the presence of the inmate to confirm that it is privileged mail. If it is confirmed to be privileged mail, it shall be delivered to the inmate. If the mail is not bona fide privileged mail, it shall be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (3)(2) and (7)(5) 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.

(c) Anytime privileged mail is received for an inmate who has been released from the department, it shall be returned to the post office within 5 10 working days with a forwarding address, if available, and a request shall be made to postal authorities to forward the privileged mail to the former inmate. If there is no available forwarding address, all privileged mail shall be returned to the sender.

(d) No postage or writing materials shall be provided to inmates for privileged mail, however the postage and writing materials provided in subsection 33-210.101(15)(42), F.A.C., may be used for this purpose.

(e) Inmates shall not utilize home-made envelopes or packages to send out privileged mail. Mail enclosed in such materials will be returned to the inmate without processing. Outgoing packages and envelopes will not bear any artwork, additional lettering or designs other than the required address and return address.

~~(8)(6)(a) All incoming privileged mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC2-522 DC3-321. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 DC3-321 is hereby incorporated by reference in Rule 33-210.102, F.A.C. Copies of the form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of the form is February 15, 1998.~~

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.103(7)(5), F.A.C., Form DC2-522 DC3-321 shall be completed as required in paragraph 33-210.103(8)(6)(a), F.A.C., except that mailroom staff shall

write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

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 5-5-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan, Peggy Ball  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Agreements  
RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference the water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health, Brevard County Health Department and the Florida Department of Health, Okeechobee County Health Department.

SUMMARY: The proposed rule amendment would incorporate by reference the District's water well permitting delegation agreement with the Florida Department of Health, Brevard County Health Department and the Florida Department of Health, Okeechobee County Health Department allowing for regulation of water well construction standards for wells less than six inches in diameter, unless these wells are in a Chapter 62-524, F.A.C., delineated area.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS PUBLICATION, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., July 10, 2002

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (11) No change.

(12) An agreement between Florida Department of Health, Brevard County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

(13) An agreement between Florida Department of Health, Okeechobee County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.046, 373.083, 373.309, FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Springfield, Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

If any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101, or (386)329-4450 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Probable Cause Determinations  
 RULE NO.: 61G1-11.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to permit former Board members to serve on the probable cause panel.

SUMMARY: The rule amendment permits former Board members to serve on the probable cause panel.

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

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

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon M. Biegalski, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.005 Probable Cause Determinations.

Probable cause determination as to violation of Chapter 481, Chapter 455 and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) Board members, consisting of two (2) architects and one (1) interior designer. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year. ~~Former A former~~ Board members, if willing to serve, may be appointed. All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, Florida Statutes.

Specific Authority 455.225 FS. Law Implemented 455.225 FS. History—New 12-23-79, Amended 2-3-81, Formerly 21B-11.05, Amended 8-20-89, Formerly 21B-11.005, Amended 6-8-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Other Board Business for Which Compensation is Allowed and Requirements for Meeting Attendance  
RULE NO.: 61G1-11.0061

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria for absence at a Board meeting.

SUMMARY: The proposed rule amendment clarifies the criteria for absence at a Board meeting.

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

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

SPECIFIC AUTHORITY: 455.207(4) FS.

LAW IMPLEMENTED: 455.207(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon M. Biegalski, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61G1-11.0061 Other Board Business for Which Compensation is Allowed and Requirements for Meeting Attendance.

The following are considered to be other business involving the Board as required by 455.207(4), F.S.:

- (1) through (8) No change.
- (9) Board members shall attend all Board meetings unless prevented from doing so under the following circumstances:
  - (a) Serious illness or injury of the member;
  - (b) Serious medical problems or death of a board member's immediate family (spouse, children, parents);
  - (c) State or federal military service;
  - (d) Court order, subpoena, jury duty, or business with court over which the judge has sole prerogative of setting the date of such business;
  - (e) Natural disaster or state of emergency declared by federal, state, or local government;
  - (f) Unavoidable travel delays or cancellations preventing attendance. Any other absence shall be unexcused. Failure to attend all days of a multi-day meeting shall be considered an absence. When the Board member is aware he or she cannot

attend all or part of a Board meeting, the member must notify the Board office as soon as possible to avoid potential quorum problems.

Specific Authority 455.207(4) FS. Law Implemented 455.207(4) FS. History--New 10-23-81, Formerly 21B-11.061, 21B-11.0061, Amended 1-10-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Responsible Supervising Control Over Architectural Practice in the Architect's Office  
RULE NO.: 61G1-23.010

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria with regard to responsible supervising control.

SUMMARY: The proposed rule amendments specify criteria for the purpose of responsible supervising control.

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

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

SPECIFIC AUTHORITY: 481.2055 FS.  
LAW IMPLEMENTED: 481.221(4), 481.223, 481.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon M. Biegalski, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61G1-23.010 Responsible Supervising Control Over Architectural Practice in the Architect's Office.

(1) Each architectural office maintained for the preparation of drawings, specifications, reports and other professional work shall have an architect duly registered with

the Board of Architecture & Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This rule (61G1-23.010) does not address the procedures required of an architect in sealing and signing work which falls within the definition of "interior design" as that term is defined in Section 481.203(8), F.S. The responsible supervising control which is required of architects prior to sealing and signing architectural documents as that term is used in Chapter 481.221(4) shall mean:

(a)(1) Personal supervision by the architect exercised throughout the preparation of documents, instruments of service, specifications, reports or other work which requires the seal and signature of a registered architect; or

(b)(2) Review, approval, modification, or adoption, as the architect's work of any documents, instruments of service, specifications, reports or other work, so long as the aforesaid were prepared in the architect's offices by an employee of the architect, or by an agent of the architect under a written agreement with the architect to assist in the preparation of such documents.

(2) The architect providing responsible supervisory control must be a full time employee with more than half of his or her time devoted to the office. An architect cannot provide responsible supervisory control over more than one office.

(3) An architect may be the qualifier of several business entities but can only be the architect providing responsible supervisory control over one business location pursuant to subsection (2) of this rule. Every office offering architecture services must have a resident full time architect meeting the requirements of subsection (2) of this rule.

Specific Authority 481.2055 FS. Law Implemented 481.221(4), 481.223, 481.225 FS. History--New 11-21-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF HEALTH  
Board of Medicine**

RULE TITLE: Insurance: Occurrence or Prior Acts Coverage  
RULE NO.: 64B8-12.006  
PURPOSE AND EFFECT: The Board proposes the repeal of this rule since coverage for physicians under certain circumstances is not obtainable.  
SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 458.309(1) FS.

LAW IMPLEMENTED: 458.320 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-12.006 Insurance: Occurrence or Prior Acts Coverage.

Specific Authority 458.309(1) FS. Law Implemented 458.320 FS. History--New 11-4-93, Formerly 61F6-40.006, 59R-12.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002

**DEPARTMENT OF HEALTH  
Board of Respiratory Care**

RULE TITLE: Registration by Endorsement  
RULE NO.: 64B32-2.001  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: In addition to technical corrections, this rule amendment provides that the applicant must complete a course in medical error prevention.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 Registration by Endorsement.

Every applicant for registration as a registered respiratory therapist by endorsement shall demonstrate the following:

(1)(a) That the applicant ~~he~~ holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

(b) That the applicant ~~he~~ holds registration, or the equivalent, to deliver respiratory care in another state and such registration was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(2) That the applicant ~~he~~ is not otherwise disqualified by reason of a violation of Chapter 455, Part II, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(3) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Certification by Examination  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B32-3.002

SUMMARY: In addition to technical corrections, this rule amendment provides that the applicant must complete a course in medical error prevention.

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

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

SPECIFIC AUTHORITY: 456.017(1), 468.353(1) FS.

LAW IMPLEMENTED: 468.355, 468.357, 468.365 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-3.002 Certification by Examination.

(1) Every applicant for certification as a certified respiratory therapist or a respiratory care practitioner by examination shall demonstrate to the Board the following qualifications set forth below.

(2) That the applicant ~~he~~ is at least 18 years old.

(3) That the applicant ~~he~~ possesses a high school diploma or the graduate equivalency diploma.

(4) That the applicant ~~he~~ has successfully completed a training program for certified respiratory therapy technicians ~~or~~ respiratory therapists approved by the Committee on Allied Health Education and Accreditation of the American Medical Association, or the equivalent thereof, as accepted by the Board.

(5) That he is not otherwise disqualified by reason of a violation of Chapter 456 or 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(6) That he has passed the examination required by Section 468.357(1)(c), Florida Statutes. The examination to be used for same as that given by the National Board of Respiratory Care for entry-level certification of certified respiratory therapists ~~therapy technicians~~ as provided in Section ~~468.357~~ 468.57, Florida Statutes. Passing score for certification by the Board Council shall be the same as the passing score identified by the National Board of Respiratory Care, a 75 stated score based on use of the Nedelski technique.

(7) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in Rule 6432-6.006, F.A.C.

Specific Authority 456.017(1), 468.353(1) FS. Law Implemented 468.355, 468.357, 468.365 FS. History--New 4-29-85, Amended 1-5-86, Formerly 21M-35.02, Amended 9-29-86, 5-12-88, Formerly 21M-35.002, 61F6-35.002, 59R-72.002, Amended 6-9-99, Formerly 64B8-72.002, Amended\_\_\_\_\_.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Certification by Endorsement  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B32-3.003

SUMMARY: In addition for technical corrections, this rule amendment provides that the applicant must complete a course in medical error prevention.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.358(2) FS.

LAW IMPLEMENTED: 468.358(3), 468.365 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-3.003 Certification by Endorsement.

Every applicant for certification as a certified respiratory therapist ~~therapy technician~~ by endorsement shall demonstrate the following:

(1)(a) That the applicant ~~he~~ holds the “Certified Respiratory Therapists ~~Therapy Technician~~” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

(b) That the applicant ~~he~~ holds certification, or the equivalent, to deliver respiratory care in another state and such certification was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(2) That the applicant ~~he~~ is not otherwise disqualified by reason of a violation of Chapter 455, Part II, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(3) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

Specific Authority 468.353(1), 468.358(2) FS. Law Implemented 468.358(3), 468.365 FS. History–New 4-29-85, Formerly 21M-35.03, 21M-35.003, 61F6-35.003, 59R-72.004, 64B8-72.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: AIDS Education and Medical Error Prevention Education  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B32-6.006

SUMMARY: This rule requires attendance at a two-hour course relating to medical error prevention for all applicants and for licensure renewal. The course must cover certain topics.

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

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

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.033 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.006 AIDS Education and Medical Error Prevention Education.

Pursuant to Section 456.033, Florida Statutes, any Category I, American Medical Association (AMA) continuing medical education course, any Category I or Category III, American Association for Respiratory Care (AARC) continuing education course offered by an AMA approved respiratory therapy program and any courses approved by any board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, Florida

Statutes, which includes topics on the transmission, infection control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, shall satisfy the requirements of Section 456.033, Florida Statutes, as part of biennial relicensure or recertification. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(1) through (3) No change.

(4) Each applicant and all licensees shall attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. The two-hour course shall count toward the total number of continuing education hours required for each license renewal. The course shall include medication errors, including missed treatments, documentation errors, equipment errors, patient errors and communication errors.

Specific Authority 456.033 FS. Law Implemented 456.033, 456.013(7) FS. History—New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended 4-27-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.034  
RULE TITLE: Polling Place Procedures Manual  
NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.034, F.A.C., published in the Florida Administrative Weekly, Pages 1767-1768, Vol. 28, No. 16, on April 19, 2002, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee. The following is a summary of the major changes made to the Polling Place Procedures Manual, incorporated by reference in Rule 1S-2.034, F.A.C.:

1. Under “The Polling Place” section, the language was clarified to make it mandatory for the poll workers to remove and discard any sample ballots or campaign materials left behind in the polling place.
2. The process for locating a voter’s name under “The Voting Process” has been expanded to give examples.
3. Language has been added to require each supervisor of elections to provide each precinct with information to enable the poll worker to direct voters to the proper precinct.
4. In the “Provisional Ballots” section, language has been changed to require the voter, rather than the poll worker, to place the provisional ballot envelope in the ballot box.
5. Language is clarified relating to a voter who drops off an absentee ballot at the polling place to make it clear that the provision applies when a voter does not wish to vote at the polling place.
6. In the case of a voter who leaves the polling room without casting his or her ballot, the language is changed to require the poll workers to vote the ballot, rather than cancel it.
7. An additional form of identification for use at the polls has been added to the list of approved identification forms.
8. Numerous technical changes were made to make the language clearer, to delete unnecessary language, and to provide consistency.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

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

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the proposed rule as published in the Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The change reflects comment received from the Joint Administrative Procedures Committee.

3D-30.041 Certificate of Authority Renewal.

(1) Each active certificate of authority shall be renewed for the annual period beginning ~~July~~ June 1 of each year upon approval by the Board of Funeral and Cemetery Services. The application for renewal will be presented to the Board upon receipt and review by the Department of a non-refundable renewal fee as established by Section 497.407(4), F.S., of \$250 ~~as set by the Board,~~ a financial statement as of the entity’s most recent fiscal year end, and a completed Annual COA Renewal Statement. Certificate of Authority Renewal, Form DBF-COA-R1, effective 1-18-96, Annual COA Financial Statement, Form DBF-COA-R2, effective 1-18-96, and Annual COA Renewal Statement, Form DBF-COA-R3, revised 12-6-01 effective 1-18-96, are hereby incorporated by