

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Unfair Discrimination

RULE CHAPTER NO.: 4-125

PURPOSE AND EFFECT: To identify specific methods of competition or acts or practices which are prohibited by Sections 626.9521 and 626.9541, F.S., and clarify the application of Section 627.6425, F.S., to instate and out of state individual and group health insurance, with special but not sole reference to the Recommended Order of the Administrative Law Judge dated April 25, 2002, in the matter of Department of Insurance v. United Wisconsin Life Insurance Company, DOAH Case No. 01-2295.

SUBJECT AREA TO BE ADDRESSED: Application of Section 627.6425, F.S. to instate and out of state individual and group health insurance.

Practices which would constitute unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance, in the benefits payable thereunder, in any of the terms or conditions of the contract, or in any other manner whatever. Illegal dealings in premium.

SPECIFIC AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 627.6425, 626.9521, 626.9541 FS.

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

TIME AND DATE: 10:00 a.m., June 27, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Life and Health Advertising Requirements

RULE CHAPTER NO.: 4-150

PURPOSE AND EFFECT: To identify specific methods of competition or acts or practices which are prohibited by Sections 626.9521 and 626.9541, F.S., with special but not sole reference to the Recommended Order of the Administrative Law Judge dated April 25, 2002, in the matter of Department of Insurance v. United Wisconsin Life Insurance Company, DOAH Case No. 01-2295.

SUBJECT AREA TO BE ADDRESSED: Misrepresentations, false information, omissions, and false advertising in the promotion and sale of out of state group health insurance to Florida residents.

SPECIFIC AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 627.6425, 626.9521, 626.9541 FS.

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

TIME AND DATE: 10:00 a.m., June 27, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

DEPARTMENT OF INSURANCE

RULE TITLES:

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PURPOSE AND EFFECT: The purpose is to amend the rules to conform to the new pre-licensing requirements for bail bond agent applicants enacted in the 2002 legislative session.

SUBJECT AREA TO BE ADDRESSED: Pre-licensing requirements for bail bond agent applicants.

SPECIFIC AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 624.418, 624.4211, 624.501, 626.611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.9541(1), 627.745, 648.34, 648.37 FS.

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

TIME AND DATE: 10:30 a.m., June 24, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Audrey Huggins, Bureau Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE JUNE 7, 2002 FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE

RULE TITLE:	RULE NO.:
Establishment of Market Areas; Market Area Codes	12D-8.0082

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to review considerations appropriate for inclusion in market area guidelines, including best practices from other states and industry standards such as

the International Association of Assessing Officers's (IAAO's) standards. Rule development will begin to develop uniform market area guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S. These guidelines are being developed for adoption under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Market area guidelines.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 193.1142, 213.05 FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, June 26, 2002

PLACE: R. A. Gray Building, Auditorium, 500 S. Bronough St., Tallahassee, Florida

TIME AND DATE: 1:30 p.m., Tuesday, July 9, 2002

PLACE: Orlando Public Library, Albertson Room, Third Floor, 101 E. Central Blvd., Orlando, Florida

Copies of the agendas for the workshops may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS EXPECTED TO BE AVAILABLE AT NO CHARGE 10 DAYS BEFORE THE RULE DEVELOPMENT WORKSHOPS FROM THE CONTACT PERSON LISTED ABOVE OR ON THE INTERNET AT <http://www.myflorida.com/dor/property/RP/comment.html>.

PUBLIC SERVICE COMMISSION

DOCKET NO.:	020398-EQ
RULE TITLE:	RULE NO.:
Selection of Generating Capacity	25-22.082

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to require utilities to issue a Request for Proposals for all major generating capacity additions as an effective means to ensure the cost-effectiveness of the additional generating capacity.

SUBJECT AREA TO BE ADDRESSED: The subject matter to be addressed is the cost-effective selection of additional generating capacity by Florida's electric utilities.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 366.06(2), 366.07, 366.051 FS.

LAW IMPLEMENTED: 403.519, 366.04(1), 366.06(2), 366.07, 366.051 FS.

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

TIME AND DATE: 9:30 a.m., Friday, July 19, 2002

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Ballinger, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.082 Selection of Generating Capacity.

(1) Definitions. For the purpose of this rule, the following terms shall have the following meaning:

(a) Public Utility: all electric utilities subject to the Florida Public Service Commission's ratemaking authority, as defined in Section 366.02(1), Florida Statutes.

(b)(a) Major Capacity Addition: any capacity addition which will require certification pursuant to Section 403.519, Florida Statutes, or any capacity addition of 150 MW or more which does not require certification pursuant to Section 403.519, Florida Statutes, including but not limited to the repowering of an existing generating facility. ~~Next Planned Generating Unit: the next generating unit addition planned for construction by an investor-owned utility that will require certification pursuant to Section 403.519, Florida Statute.~~

(c)(b) Request for Proposals (RFP): a document in which an ~~public investor-owned~~ utility publishes the price and non-price attributes of its next planned major capacity addition generating unit in order to solicit and screen, for potential

subsequent contract negotiations, competitive proposals for supply-side alternatives to the public utility's next planned major capacity addition generating unit.

(d)(e) Participant: a potential generation supplier who submits a proposal in compliance with both the schedule and informational requirements of a public utility's RFP. A participant may include, but is not limited to, utility and non-utility generators, Exempt Wholesale Generators (EWGs), Qualifying Facilities (QFs), marketers, and affiliates of public utilities, as well as providers of turnkey offerings, distributed generation, and other ~~utility~~ supply side alternatives.

(e)(d) Finalist: one or more participants selected by the public utility with whom to conduct subsequent contract negotiations.

(2) A Public Utility is required to provide reasonably sufficient, adequate, and efficient service to the public at fair and reasonable rates. In order to assure an adequate and reliable source of energy, a public utility must plan and construct or purchase sufficient generating capacity. To assure fair and reasonable rates and to avoid the further uneconomic duplication of generation, transmission, and distribution facilities in Florida, a public utility must select the most economical and cost-effective mix of supply-side and demand-side resources to meet the demand and energy requirements of its end-use consumers. The Commission finds that the use of RFPs to select additional generating resource requirements is an appropriate means by which to ensure that a public utility meets its obligation to provide an adequate, reliable, and cost-efficient supply of capacity and energy. Each public utility, therefore, shall issue an RFP prior to the commencement of construction of a major capacity addition. Public utilities are encouraged to issue an RFP, using these rules as guidelines, prior to the construction or purchase of any other generating resource addition. Prior to filing a petition for determination of need for an electrical power plant pursuant to Section 403.519, Florida Statutes, each investor-owned electric utility shall evaluate supply-side alternatives to its next planned generating unit by issuing a Request for Proposals (RFP).

(3) Each ~~public investor-owned~~ utility shall provide timely notification of its issuance of an RFP by publishing public notices in major newspapers, periodicals and trade publications to ensure statewide and national circulation. The public notice given shall include, at a minimum:

(a) The name and address of the contact person from whom an RFP package may be requested;

(b) A general description of the public utility's next planned major capacity addition generating unit, including its planned in-service date, MW size, location, fuel type and technology; and

(c) A schedule of critical dates for the solicitation, evaluation, screening of proposals and subsequent contract negotiations.

~~(4)(7)~~ Each public electric utility shall file a copy of its RFP with the Commission upon issuance.

~~(5)(4)~~ Each public utility's RFP shall include, at a minimum:

(a) A detailed technical description of the public utility's next planned major capacity addition ~~generating unit or units~~ on which the RFP is based, all costs that are associated with the major capacity addition, as well as the financial assumptions and parameters associated with it, including, at a minimum, the following information:

1. A description of the public utility's next planned major capacity addition ~~generating unit(s)~~ and its proposed location(s);

2. The MW size;

3. The estimated in-service date;

4. The primary and secondary fuel type;

5. An estimate of the total direct cost;

6. An estimate of the annual revenue requirements;

7. An estimate of the annual economic value of deferring construction;

8. An estimate of the fixed and variable operation and maintenance expense;

9. An estimate of the fuel cost;

10. The costs of common facilities at the site allocated to the major capacity addition, including, but not limited to land, improvements, transmission facilities, cooling water facilities, fuel transportation and handling facilities, and other infrastructure.

~~11.10.~~ An estimate of the planned and forced outage rates, heat rate, minimum load and ramp rates, and other technical details;

~~12.11.~~ A description and estimate of the costs required for associated facilities such as gas laterals and transmission interconnection;

~~13.12.~~ A discussion of the actions necessary to comply with environmental requirements; and

~~14.13.~~ A summary of all major assumptions used in developing the above estimates;

(b) Detailed information regarding the public utility's ten year historical and ten year projected net energy for load, and summer and winter peak demand by class of customers;

~~(c)(b)~~ A schedule of critical dates for solicitation, evaluation, screening of proposals, selection of finalists, ~~and~~ subsequent contract negotiations, and submission for Commission approval, if necessary;

~~(d)(e)~~ A description of the price and non-price attributes to be addressed by each alternative generating proposal including, but not limited to:

1. Technical and financial viability;

2. Dispatchability;

3. Deliverability (interconnection and transmission);

4. Fuel supply;

5. Water supply;

6. Environmental compliance;

7. Performance criteria; and

8. Pricing structure; ~~and~~

~~(e)(d)~~ A detailed description of the methodology to be used to evaluate alternative generating proposals on the basis of price and non-price attributes.

(f) All criteria, including all weighting and ranking factors that will be applied to select the finalists. Such criteria may include price and non-price considerations, but no criterion shall be employed that is not expressly identified in the RFP absent a showing of good cause. No adjustment to purchase power proposals due to the imputation of an increase to the public utility's cost of capital shall be made absent a showing of good cause. The RFP shall be structured to allow a participant to propose to supply all or a portion of the major capacity addition, and for the public utility to select one or a combination of proposals as the most cost-effective means of meeting the specified need;

(g) Any application fees that will be required of a participant. Any such fees or deposits shall be cost-based but shall not exceed \$10,000 in the aggregate, with no more than \$500 required to obtain the RFP;

(h) Any information regarding system-specific conditions which may include, but not be limited to, preferred locations proximate to load centers, transmission constraints, the need for voltage support in particular areas, and/or the public utility's need or desire for greater diversity of fuel sources.

(6) A participant may submit and the public utility shall evaluate proposals to collocate the participant's proposed generating facility and to utilize the common facilities at a public utility's existing power plant site. The public utility may require compensation for such collocation and use of its common facilities.

~~(7)(5)~~ As part of its RFP, the public utility shall require each participant to publish a notice in a newspaper of general circulation in each county in which the participant's ~~proposed~~ to build an electrical power plant generating facility would be located. The notice shall be at least one-quarter of a page and shall be published no later than 10 days after the date that proposals are due. The notice shall state that the participant has submitted a proposal to build an electrical power plant, and shall include the name and address of the participant submitting the proposal, the name and address of the public utility that solicited proposals, and a general description of the proposed power plant and its location.

(8) A pre-bid meeting shall be conducted by the public utility within two weeks after the issuance of the RFP. Each participant which obtains the RFP, the Office of Public Counsel, and the Commission staff shall be notified in a timely manner of the date, time, and location of the meeting.

(9) A minimum of 60 days shall be provided between the issuance of the RFP, and the due date for proposals in response to the RFP.

(10) Any potential participant in the RFP may file comments with the Commission regarding any aspect of the RFP prior to the due date for proposals specified in the RFP. The Commission may take such action with respect to any comments filed as it deems appropriate.

(11) The public utility shall evaluate the proposals received in response to the RFP in a fair comparison with the public utility's next planned major capacity addition identified in the RFP.

(12)(6) Within 30 days after the public utility has selected finalists, if any, from the participants who responded to the RFP, the public utility shall publish notice in a newspaper of general circulation in each county in which a finalist has proposed to build an electrical power plant. The notice shall include the name and address of each finalist, the name and address of the public utility, and a general description of each proposed electrical power plant, including its location, size, fuel type, and associated facilities.

(13) The Commission, upon its own motion, or a participant may challenge the results of an RFP. A participant may file a complaint with the Commission or intervene in a subsequent need determination or cost recovery proceeding. Any complaint will be processed by the Commission on an expedited basis. In resolving a challenge to the results of an RFP, the Commission may take such action as it deems appropriate.

(14) Upon conclusion of an RFP process, the public utility may petition the Commission for approval of the public utility's selection. If the Commission approves a purchase power agreement as a result of the RFP, the public utility shall be authorized to recover the prudently incurred costs of the agreement through the public utility's capacity, and fuel and purchased power cost recovery clauses absent evidence of fraud, mistake, or similar grounds sufficient to disturb the finality of the approval under governing law.

(15) Nothing in this rule shall prohibit a public utility from entering into short-term bilateral contracts, having a term of three years or less, for the purchase of capacity and energy. If the public utility chooses this option, it must justify the prudence of its decision prior to recovering the costs of the contract from its retail customers. A public utility, however, shall not enter into a bilateral contract for the purchase of capacity and energy with an affiliate outside of the RFP process.

8. The Commission shall not allow potential suppliers of capacity who were not participants to contest the outcome of the selection process in a power plant need determination proceeding.

9. The Commission may waive this rule or any part thereof upon a showing that the waiver would likely result in a lower cost supply of electricity to the utility's general body of ratepayers, increase the reliable supply of electricity to the utility's general body of ratepayers, or is otherwise in the public interest.

Specific Authority 350.127(2), 366.05(1), 366.051 FS. Law Implemented 366.051, 403.519 FS. History—New 1-10-94, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Employee Grooming, Uniform and 33-208.101
Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for the issuance, wearing and control of correctional probation officer badges.

SUBJECT AREA TO BE ADDRESSED: Employee uniforms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (8) No change.

(9) Correctional Probation Officer Badges.

(a) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.

1. The circuit administrator shall issue badges to officers after certification is received.

2. The circuit administrator or designee shall conduct an annual circuit badge inventory at the end of each fiscal year and submit the circuit badge inventory to the regional director. The annual circuit badge inventory shall include the following information:

a. Badge number.

b. Name of officer, in the last-name-first-first-name-last format (or blank if not issued).

c. Circuit and office location.

d. Status (including date returned, stolen, lost, or retired), and

e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

3. The regional director or designee shall compile the circuit inventories to complete an annual regional badge inventory at the end of each fiscal year and submit the regional badge inventory to the Director of Community Corrections.

(b) Only badges issued by the department shall be used to conduct officially designated duties.

(c) Use of the issued badge as a credential for personal purpose is prohibited.

(d) Badges shall be readily accessible in order for the correctional probation officer to properly identify himself or herself to the public.

(e) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost or stolen.

(f) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(g) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(h) Correctional probation officers who are promoted to a position outside the class series and desire to keep their issued badge shall make a request to the regional director. Correctional probation officers who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, and desire to retain their issued badge shall make a request to the regional director.

(i) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval.

(10)(9) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use
 RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plan implementation.

SUBJECT AREA TO BE ADDRESSED: The following topics will be discussed: Irrigation demand calculation methods, pollution remediation; existing legal uses; inefficient facilities; offsite land use impacts; pasture irrigation; reuse; wellfield operational plans; diversion/impoundment criteria; permit duration; and permit renewal process.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATE AND TIME: 10:00 a.m. – 12:00 p.m., June 21, 2002

PLACE: Stuart City Hall, Commission Chambers, 121 S. W. Flagler Avenue, Stuart, Florida, (561)288-5300

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE CHAPTER TITLE: Reporting Requirements
 RULE CHAPTER NO.: 61G7-10

PURPOSE AND EFFECT: The Board proposes to further develop this chapter to address additional reporting requirements with regard to workers' compensation coverage for employee leasing companies.

SUBJECT AREA TO BE ADDRESSED: Reporting Requirements.

SPECIFIC AUTHORITY: 468.522, 468.525(3)(d), 468.529(1) FS.

LAW IMPLEMENTED: 468.525(3)(d), 468.529(1) FS.

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

TIME AND DATE: 8:30 a.m., June 19, 2002

PLACE: Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE CHAPTER TITLE: Examinations
 RULE CHAPTER NO.: 61G15-21

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary including general rules on examinations, security, passing grades, re-examination and endorsement criteria.

SUBJECT AREA TO BE ADDRESSED: Requirements, procedures and other subject matters pertaining to examinations and their criteria for professional engineers.

SPECIFIC AUTHORITY: 455.217(1), 455.217(2), 471.008, 471.011, 471.013 FS.

LAW IMPLEMENTED: 455.217(1), 455.217(2), 471.011, 171.013, 471.015, 471.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-28R

RULE CHAPTER TITLE: Stationary Sources – General
 RULE CHAPTER NO.: 62-210

Requirements
 RULE TITLE: Citrus Juice Processing Facilities
 RULE NO.: 62-210.340

PURPOSE AND EFFECT: The department is proposing to create new Florida Administrative Code Rule 62-210.340, F.A.C., to implement the provisions of Section 403.08725, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule would address air pollutant emissions from citrus juice processing facilities.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-26R

RULE CHAPTER TITLE: Environmental Resource Permitting
 RULE CHAPTER NO.: 62-346

in Northwest Florida

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A new rule chapter is proposed to implement the environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District. This rulemaking will occur concurrently with the amendment of Chapters 62-4, 62-25, 62-113, 62-312, 62-330, 62-341, and 62-343, F.A.C., as noticed on April 19, 2002, in the Florida Administrative Weekly (Vol. 28, No. 16, Pages 1747-1752) and on the Department’s Internet noticing site.

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

TIME AND DATE: 10:00 a.m. EDT, Thursday, July 11, 2002

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee, FL, (850)921-9901, facsimile (850)488-6579 or e-mail: jeanese.mccree@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to ensure that the guidelines do not conflict with statutorily mandated penalties.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 458.331(5), 458.309, 456.079 FS.

LAW IMPLEMENTED: 458.331(5), 456.072, 456.079 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY		
VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (f) No change.		
(g) Failure to perform legal obligation. (458.331(1)(g), F.S.) (456.072(1)(k), F.S.)	(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a letter of concern to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00, <u>unless otherwise provided by law.</u>	(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00, <u>unless otherwise provided by law.</u>
1. through 9. No change.		
(h) through (oo) No change.		
(3) through 7. No change.		

Specific Authority 458.331(5), 458.309, 456.079 FS. Law Implemented 458.331(5), 456.072, 456.079 FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
 RULE CHAPTER NO.: 64E-2

PURPOSE AND EFFECT: Lead Crew Members – To amend current rule language to include a definition as it relates to the individual who signs the run report and has responsibility for patient care decisions.

Security of Medications – To amend current rule to eliminate a written operating procedure for any emergency medical vehicle to adhere to the same onsite requirements for security and storage of medications.

Trauma Agencies – To amend current rule governing trauma agency system evaluation and trauma agency five year plan update.

SUBJECT AREA TO BE ADDRESSED: Lead Crew Members, Security of Medications and Trauma Agencies.

SPECIFIC AUTHORITY 395.401, 401.35 FS.

LAW IMPLEMENTED: 395.401, 401.30, 401.35 FS.

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

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

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida (PLEASE DO NOT CONTACT THE FLORIDA COLLEGE REGARDING DIRECTIONS OR WORKSHOP SPECIFICS. REFER TO THE END OF THIS NOTICE FOR CONTACT INSTRUCTIONS)

TIME AND DATE: 10:00 a.m., June 27, 2002

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

P.O. G10454

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: 791.015(4) FS.

LAW IMPLEMENTED: 791.015(1)(2) 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., July 2, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Hawkins, Safety Program Manager, Bureau of Fire Prevention, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone (850)413-3623

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-50.005 Registration Requirement.

(1) through (10) No change.

(11) Registration forms.

(a) Each person, firm, copartnership, corporation, or other entity seeking to register as a seasonal retailer shall complete and file with the Regulatory and Licensing Section Form DI4-1233, entitled Certificate of Sparkler Registration – Seasonal Retailer, which is hereby adopted and incorporated by reference. Copies of Form DI4-1233 may be obtained from the Regulatory and Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(b) Each person, firm, copartnership, or corporation, or other entity seeking to register as a manufacturer, distributor, or wholesaler shall complete and file with the Regulatory and Licensing Section Form DI4-1234, entitled Certificate of Sparkler Registration – Manufacturer, Distributor, and Wholesaler, which is hereby adopted and incorporated by reference. Copies of Form DI4-1234 may be obtained from the Regulatory and Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) Each person, firm, copartnership, or corporation, or other entity seeking to register as a retailer shall complete and file with the Regulatory and Licensing Section Form DI4-1534, entitled Certificate of Sparkler Registration – Retailer, which is hereby adopted and incorporated by

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Registration Requirement

RULE NO.: 4A-50.005

PURPOSE, EFFECT AND SUMMARY: To adopt forms for use in conjunction with the registration of sparkler wholesalers, distributors, manufacturers, retailers, and seasonal retailers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.